

APPENDIX

Sent to Governor

(May 24, 1977)

S.C.R. 82	S.C.R. 91	S.C.R. 93
S.J.R. 5	S.J.R. 48	S.B. 186
S.B. 190	S.B. 249	S.B. 334
S.B. 398	S.B. 468	S.B. 626
S.B. 759	S.B. 831	S.B. 865
S.B. 883	S.B. 919	S.B. 941
S.B. 699	S.B. 1102	S.B. 586
S.B. 1188	S.B. 943	S.B. 961
S.B. 974	S.B. 977	S.B. 986
S.B. 1033	S.B. 1043	S.B. 1055
S.B. 1079	S.B. 1103	S.B. 1143
S.B. 1153	S.B. 1164	S.B. 1252

SEVENTY-FIFTH DAY
(Wednesday, May 25, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend John Ogden, First United Methodist Church, Richardson, Texas, offered the invocation as follows:

Eternal Spirit, on this warm day in May, in this moment of reflection, we know that simple words cannot possibly express our deep sense of gratitude. We are a blessed people, who have a rich and meaningful heritage. Often, our success is made possible by the tireless efforts of those leaders who have gone before us. Help each one of us to remember the past, so we will not make the same blunders, or follow the wrong impulses.

Give us a clear vision, so we can see the needs of humanity. Too often, we are a nation blinded by colorful illusions, who see only what we want to see. Though we be a people of great knowledge, the obvious escapes us. Give us courage, so we will not back away from conflict, or hide from controversial issues. The right word, spoken at the proper moment, can turn the tide of history. Give us patience. We know we are a restless people. We plant a seed today and fully expect to see the tree

tomorrow, Help us to finish one task before we rush off to some other dream. In Thy Holy Name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 105

S.B. 850 (Signed Subject to 49a, Article III, Constitution
of the State of Texas)

S.J.R. 44

S.B. 47

S.B. 605

S.B. 918

S.B. 119

S.B. 631

S.B. 930

S.B. 209

S.B. 658

S.B. 1040

S.B. 271

S.B. 661

S.B. 1057

S.B. 310

S.B. 690

S.B. 1148

S.B. 412

S.B. 707

S.B. 1152

S.B. 438

S.B. 791

S.B. 1231

S.B. 450

S.B. 792

S.B. 1232

S.B. 481

S.B. 836

S.B. 1283

S.B. 545

S.B. 851

S.B. 1286

S.B. 549

S.B. 858

S.B. 1294

S.B. 579

S.B. 917

S.B. 1297

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session of the Senate tomorrow at 11:00 o'clock a.m.

MESSAGE FROM THE HOUSE

House Chamber

May 25, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 255, Providing for the joinder of offenses.

H.B. 744, Permitting certain transfer students to enter first grade before age six.

H.B. 1367, Relating to the sale or exchange of certain property by the Texas Board of Corrections.

H.B. 1470, Relating to control of brucellosis.

H.B. 1472, Relating to municipal contracts with minority businesses.

H.B. 1878, Relating to the fees and per diem of the State Board of Pharmacy.

H.B. 1967, Relating to rulemaking authority of the Animal Health Commission regarding protection of animals from certain diseases.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 151.

House Conferees: Mayes, Brown, Ceverha, Nabers, Von Dohlen.

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. No. 612** by a vote of 138 Ayes, 0 Noes. Passed, subject to Sec. 49A, Art. 3, Constitution of Texas.

H.B. 178, Relating to creation of a housing rehabilitation program.

H.B. 1538, Relating to financing student teacher centers.

H.B. 1709, Relating to the Commissioner of the General Land Office serving as a master in certain land title suits.

H.B. 1830, Relating to a period of limitations to recover real estate sold at a tax sale.

H.B. 1962, Relating to motion for a new trial and notices of appeal in criminal cases.

H.B. 2040, Exempting the secretary of state and his employees from liability for injuries because of certain errors.

S.B. 629, Relating to the authority of certain cities to assume control of school districts within their territorial limits. (With amendment)

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 569.

House Conferees: Allee, Washington, Watson, Lauhoff, Caraway.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 368.

House Conferees: Donaldson, Evans, Thompson, Blanton, Nabers.

All necessary rules suspended and the conference committee report on Senate Bill No. 970 adopted by Non Record Vote.

H.B. 1575, Making appropriations for and directing payment to certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; providing for severability; repealing laws in conflict; and declaring an emergency.

H.B. 123, Exempting nonprofit water supply corporations from the Public Utilities Regulatory Act.

H.B. 371, Increasing the household and kitchen furniture property tax exemption.

H.B. 1985, Relating to identification and acquisition by the state of land having historical or ecological significance.

All necessary rules suspended, and the House concurred in Senate amendments to **H.B. No. 1860** by Non Record Vote.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 266.

House Conferees: Evans, Maloney, Craddick, Washington, Nugent.

S.B. 39, Creating the Adult Probation Commission. (With amendment)

S.B. 578, Coastal Wetlands Acquisition Act. (With amendments)

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 744

Senator Adams offered the following resolution:

WHEREAS, It is the desire and distinct pleasure of the members of the Texas Senate to pause on this 25th day of May, nineteen hundred and seventy-seven, to note and honor a happy and glorious occasion of rare significance in the lives of two persons who are held in fondest affection and deepest respect by all who know them; and

WHEREAS, On May 25th, nineteen hundred and twenty-nine, Miss Welma Morphew and A. M. Aikin, Jr., were united in marriage and began a life together which endures to this day, 48 years later, as one of the most loving, dedicated, and beautiful romances ever blessed by God or man; and

WHEREAS, After teaching school for one year while young A. M. Aikin began what has become a truly distinguished and unique career in the Texas Legislature, young Mrs. Aikin chose to dedicate her life and her energies to the support of the man she loves, creating a partnership based on love and respect and dedicated to the highest ideals of excellence in public service without regard to selfish considerations; and

WHEREAS, Senator and Mrs. Aikin are the proud parents of a fine young man and the grandparents of three delightful young children, each of whom has further enriched their happy home; and

WHEREAS, The well-known and distinguished political career of Senator Aikin is complemented most gracefully by the many outstanding achievements and works of his lovely lady, including her leadership and work in her avocation of gardening; and

WHEREAS, Mrs. Aikin's many fine deeds were crowned in 1974 when she was awarded an honorary Doctorate of Humane Letters from East Texas State University for her many years of good works and her dedicated service to the people of Texas; and

WHEREAS, Another fortunate recipient of Mrs. Aikin's love and devotion has been the Senate Ladies Club, which she served faithfully as president in 1943; and

WHEREAS, Over the years, many young wives of new members have found a warm heart and open arms awaiting them and their families in Austin, and the guidance and friendship of Mrs. Aikin and her home-cooking have long been treasured and fondly experienced by all who have had the honor and pleasure of visiting in the Aikin home; and

WHEREAS, It is indeed a very rare privilege, pleasure, and honor of each member of the Senate to be able to share in some small measure in the lives of these two fine people; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature of the State of Texas, That our beloved Dean, Senator A. M. Aikin, Jr., and his beautiful bride, known, revered, and loved by all as "Miss Welma," be hereby congratulated on the occasion of their 48th wedding anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator and Mrs. Aikin and their family as an expression of the never-ending love, respect, and appreciation of the members of the Senate for the Dean and his truly gracious wife, and as an expression of warmest personal wishes for many, many more years of the happiness, good health, and loving companionship which have blessed their marriage for 48 years.

The resolution was read and was adopted.

On motion of Senator Adams and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

SENATE CONCURRENT RESOLUTION 108

Senator Adams offered the following resolution:

WHEREAS, The administration of Paris Junior College desires to establish on its campus a replica of the capitol office of Senator A. M. Aikin, Jr., dean of the Senate and of the Legislature of the State of Texas; and

WHEREAS, Dean Aikin's colleagues in the Texas Legislature believe that creation of a replica of his office in his home district would be one fitting tribute to the man who has served longer and contributed more than any other lawmaker in the history of this state; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature of the State of Texas, the House of representatives concurring, That the Senate Administration Committee, in the interest of public education and through interagency contract, be and is hereby authorized to transfer the furniture, furnishings, and equipment of Senator Aikin's office to Paris Junior College, pursuant to Article 6252-6a, Vernon's Texas Civil Statutes, at any time the committee considers appropriate.

The resolution was read.

On motion of Senator Adams and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 756

Senator Doggett offered the following resolution:

WHEREAS, The State of Texas is indeed fortunate in having as one of its most exemplary and devoted public servants Everett L. Anschutz, executive secretary of the Employees Retirement System of the State of Texas; this esteemed citizen will retire after 40 years of outstanding service to this state; and

WHEREAS, Mr. Anschutz was graduated from Baylor University in 1937 and began working for the Texas Employment Commission that same year; during the next 15 years, this competent gentleman worked in several investigative and supervisory capacities; and

WHEREAS, He was made chief of staff services and was coordinator for the technical work performed by the commission in developing the State Job Classification Plan; in 1961, he became the first State Classification Officer; and

WHEREAS, In 1953, Mr. Anschutz began serving his first six-year term as a member of the board of trustees of the Employees Retirement System; he was appointed to fill an unexpired term from 1960 to 1962 and was reappointed to serve through 1968; and

WHEREAS, This capable and experienced gentleman was appointed assistant executive secretary of the Employees Retirement System in 1969 and, in the following year, he became the executive secretary; he has served state employees with devotion and competence during the seven years he has held this position; and

WHEREAS, In addition to these professional responsibilities, Mr. Anschutz has also participated in several organizations dealing with state employment: he is the former president of the Austin Personnel Association, the Austin Chapter of the American Society for Public Administration, and the Texas Public Employees Association; and

WHEREAS, It is appropriate that the Texas Senate recognize the invaluable service of Mr. Anschutz during his 40-year tenure with the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature of the State of Texas commend Everett L. Anschutz, executive secretary of the Employees Retirement System, for his dedication and faithfulness on the occasion of his retirement; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Anschutz as a token of the appreciation and esteem of the Texas Senate and as an expression of the best wishes for the enjoyment of his retirement.

DOGGETT
AIKIN
MOORE

The resolution was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration:

H.B. 2197

S.C.R. 107 (Ordered not printed)

H.C.R. 160 (Ordered not printed)

H.C.R. 144 (Ordered not printed)

H.C.R. 142 (Ordered not printed)

H.C.R. 134 (Ordered not printed)

H.C.R. 133 (Ordered not printed)

H.C.R. 132 (Ordered not printed)

H.C.R. 130 (Ordered not printed)

H.C.R. 127 (Ordered not printed)

H.C.R. 116 (Ordered not printed)
S.C.R. 97 (Amended)

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

H.B. 39
H.B. 318
H.B. 355
H.B. 586
H.B. 905
H.B. 930
H.B. 997
H.B. 1089
H.B. 1187
H.B. 1214
H.B. 1355
H.B. 1592 (Amended)
H.B. 1635
H.B. 1784
H.B. 2007
H.B. 2193
H.J.R. 37
H.C.R. 34

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 2081
H.B. 2061 (Amended)
H.B. 1921
H.B. 1886
H.B. 1813
H.B. 1811
H.B. 1722
H.B. 1550
H.B. 1330
H.B. 937
H.B. 785
H.B. 70 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 1242
H.B. 321 (Amended)
H.B. 2172

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1336
S.B. 1332
H.B. 2248
H.B. 2216

H.B. 2215
H.B. 2195
H.B. 2182
H.B. 2166
H.B. 2173
H.B. 2134 (Amended)
H.B. 1832
H.B. 1505
H.B. 1488
H.B. 1278 (Amended)
H.B. 942
H.B. 580
C.S.H.B. 400 (Read first time)

BILLS ORDERED NOT PRINTED

On motion of Senator Adams and by unanimous consent, the following bills were ordered not printed:

S.C.R. 97
H.C.R. 116
H.C.R. 127
H.C.R. 130
H.C.R. 132
H.C.R. 133
H.C.R. 134
H.C.R. 142
H.C.R. 144
H.C.R. 160
S.C.R. 107

SENATE BILL 1336 ORDERED NOT PRINTED

On motion of Senator Snelson and by unanimous consent, Senate Bill 1336 was ordered not printed.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 2040, To Committee on Jurisprudence.
H.B. 123, To Committee on Natural Resources.
H.B. 178, To Committee on Human Resources.
H.B. 255, To Committee on Jurisprudence.
H.B. 371, To Committee on Economic Development.
H.B. 744, To Committee on Education.
H.B. 1367, To Committee on State Affairs.
H.B. 1470, To Committee on Natural Resources.
H.B. 1472, To Committee on Intergovernmental Relations.
H.B. 1538, To Committee on Education.
H.B. 1575, To Committee on Finance.
H.B. 1709, To Committee on Economic Development.

H.B. 1830, To Committee on Economic Development.
H.B. 1878, To Committee on Human Resources.
H.B. 1962, To Committee on Jurisprudence.
H.B. 1967, To Committee on Natural Resources.
H.B. 1985, To Committee on Natural Resources.

CONFERENCE COMMITTEE REPORT SENATE BILL 970

Senator Parker submitted the following Conference Committee Report:

Austin, Texas
May 24, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 970 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKER
TRUAN
SHERMAN
JONES OF HARRIS
BROOKS
On the part of the Senate

BIRD
SMITH
LANEY
MARTIN
PRICE
On the part of the House

CONFERENCE COMMITTEE REPORT

S.B. No. 970

A BILL TO BE ENTITLED

AN ACT

relating to motorboats and outboard motors; relating to proclamations in certain counties for the taking of wildlife resources; relating to special archery seasons in certain counties; prescribing requirements for crab traps and pots in certain bays in Harris County and providing penalties; amending the Parks and Wildlife Code to conform it to certain legislation enacted by the 64th Legislature; repealing Subchapter B, Chapter 116, Parks and Wildlife Code; Subdivisions (3), (9), (14),

(15), and (16) of Section 2a, and Section 5, Water Safety Act, as amended (formerly Article 9206, Vernon's Texas Civil Statutes); Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended; Subsections b and n of Section 13, Uniform Wildlife Regulatory Act, as amended (formerly Article 978j-1, Vernon's Penal Auxiliary Laws); Section 1, Chapter 428, Acts of the 59th Legislature, Regular Session, 1965, as amended; Chapter 479, Acts of the 64th Legislature, Regular Session, 1975, and Senate Bill No. 1055, Acts of the 65th Legislature, Regular Session, 1977.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) To conform to Section 1 of Chapter 481, Acts of the 64th Legislature, Regular Session, 1975, Subdivisions (3) and (7) of Section 31.003, Parks and Wildlife Code, are amended to read as follows:

"(3) 'Motorboat' means any vessel propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion."

"(7) 'Dealer' means a person customarily engaged in the business of buying, selling, or exchanging motorboats or outboard motors at an established or permanent place of business in this state and that at each place of business there is a sign conspicuously displayed showing the name of the dealership so that it may be located by the public and sufficient space to maintain an office, service area, and display of products."

(b) To conform to Section 1, Chapter 481, Acts of the 64th Legislature, Regular Session, 1975, Section 31.003, Parks and Wildlife Code, is amended by adding Subdivisions (11), (12), and (13) to read as follows:

"(11) 'Manufacturer' means a person engaged in the business of manufacturing new and unused motorboats and outboard motors for the purpose of sale or trade."

"(12) 'New' means every motorboat or outboard motor after its manufacture and before its sale or other transfer to a person not a manufacturer or dealer."

"(13) 'Outboard motor' means any self-contained internal combustion propulsion system, excluding fuel supply, which is used to propel a vessel and which is detachable as a unit from the vessel."

(c) To conform to Section 2, Chapter 481, Acts of the 64th Legislature, Regular Session, 1975, Section 31.036, Parks and Wildlife Code, is amended to read as follows:

"Sec. 31.036. PROOF OF OWNERSHIP. (a) A certificate of title is required as proof of ownership of a motorboat for which a certificate of number is sought unless the motorboat is of the type for which no certificate of title is required under Section 31.045 of this code. ~~[A certified statement on an application for number is the minimum requirement for proof of ownership of a vessel.]~~

"(b) A certified statement of ownership is sufficient proof of ownership for a motorboat of a type for which a certificate of title is not required. ~~[Liens of all kinds, including reservations or transfers of title to secure debts or claims, are disregarded in determining ownership of a vessel. A lienholder who acquires possession and title by virtue of a default in the terms of the lien instrument, or any person who acquires ownership through an action as a lienholder, may apply for a number and shall attach a notarized affidavit of repossession to his application.]~~

(c) ~~A person who acquires ownership of a vessel by inheritance, devise, or bequest may apply for a certificate of number and shall include a notarized affidavit of heirship with his application and prescribed fee.~~

(d) ~~A person who acquires ownership of a vessel by bankruptcy proceedings, through receivership, or by any other involuntary divestiture of ownership may apply for a certificate of number and shall include a copy of the court order authorizing the action with his application and prescribed fee.]~~

(d) To conform to Section 2, Chapter 481, Acts of the 64th Legislature, Regular Session, 1975, Subsection (b), Section 31.042, Parks and Wildlife Code, is amended to read as follows:

"(b) Causes for cancellation of certificates and voiding of numbers include ~~are~~:

- "(1) surrender of the certificate for cancellation;
- "(2) issuance of a new number for the same boat;
- "(3) issuance of a marine document by the Bureau of Customs for the same vessel;
- "(4) false or fraudulent certification in an application for number; ~~and~~
- "(5) failure to pay the prescribed fee; and
- "(6) dismantling, destruction, or other change in the form or character of the motorboat or outboard motor so that it is no longer correctly described in the certificate or it no longer meets the definition of a motorboat or outboard motor."

(e) To conform to Section 2, Chapter 481, Acts of the 64th Legislature, Regular Session, 1975, Chapter 31, Parks and Wildlife Code, is amended by adding Subchapter B-1 to read as follows:

**"SUBCHAPTER B-1. CERTIFICATES OF TITLE
FOR MOTORBOATS AND OUTBOARD MOTORS**

"Sec. 31.045. OWNERSHIP OF MOTORBOATS AND OUTBOARD MOTORS; CERTIFICATES OF TITLE. (a) The ownership of a motorboat or of an outboard motor is evidenced by a certificate of title issued by the department, unless the motorboat or the outboard motor is new.

"(b) The ownership of a new motorboat or a new outboard motor is evidenced by a manufacturer's or an importer's certificate executed on a form prescribed by the department.

"(c) The ownership of a vessel, other than a motorboat more than 14 feet long, or of an outboard motor, other than an outboard motor having a manufacturer's rating of 12 or more horsepower, may, but is not required to be, evidenced by a certificate of title issued by the department, unless the vessel or outboard motor is new.

"(d) The ownership of a new vessel, other than a motorboat more than 14 feet long, or of a new outboard motor, other than an outboard motor having a manufacturer's rating of 12 or more horsepower, may, but is not required to be, evidenced by a manufacturer's or importer's certificate executed on a form prescribed by the department.

"(e) Separate certificates are required for motorboats and for outboard motors.

"Sec. 31.046. APPLICATION FOR CERTIFICATE OF TITLE. (a) Except as provided in Subsections (b) and (c) of this section, the purchaser of a motorboat or an outboard motor shall apply to the department for a certificate of title not later than 20 days after the date of the sale of the motorboat or outboard motor.

"(b) A manufacturer or a dealer who sells a motorboat or an outboard motor to a person other than a manufacturer or a dealer shall apply to the department for a certificate of title for the motorboat or outboard motor in the name of the purchaser not later than 20 days after the date of the sale.

"(c) A dealer who acquires a motorboat or an outboard motor, other than a new motorboat or outboard motor, is not required to apply for a certificate of title in the name of the dealer, but on resale of the motorboat or outboard motor shall apply for the subsequent purchaser under Subsection (b) of this section and shall submit to the department the endorsed certificate of title acquired by the dealer.

"Sec. 31.047. APPLICATION; FORM AND CONTENT; FEE. (a) A person may apply for a certificate of title on a form prescribed by the department.

“(b) The form must contain:

“(1) the name and address of the owner;

“(2) a description of the motorboat or outboard motor, including, as appropriate, the manufacturer, make, model, year, length, construction material, manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, and horsepower;

“(3) name and address of purchaser;

“(4) date of purchase;

“(5) name and address of any security interest owner; and

“(6) other information required by the department to show the ownership of the motorboat or outboard motor, a security interest in the motorboat or outboard motor, or a further description of items listed in the subdivision.

“(c) The application must be accompanied by other evidence reasonably required by the department to establish that the applicant or other person is entitled to a certificate of title or a noted security interest. The evidence may include:

“(1) a certificate of title issued by another state or jurisdiction;

“(2) a manufacturer's or importer's certificate;

“(3) a bill of sale, assignment, or contract;

“(4) a promissory note;

“(5) a security agreement;

“(6) an invoice;

“(7) a bill of lading;

“(8) an affidavit;

“(9) a probate or heirship proceeding or information;

“(10) a judgment of a court of competent jurisdiction; or

“(11) other documents.

“(d) An application for a certificate of title must be accompanied by the fee required by Section 31.048 of this code.

“Sec. 31.048. FEE. The fee for the issuance of a certificate of title or for the notation of a security interest, lien, or other encumbrance is \$1.50 and is treated as fees collected under Section 31.026 of this code.

“Sec. 31.049. FORM OF CERTIFICATE OF TITLE. (a) A certificate of title must be on a form prescribed by the department and must contain:

“(1) the name and address of the owner of the motorboat or outboard motor;

“(2) the name of the owner of a security interest in the motorboat or outboard motor; and

“(3) a description of the motorboat or outboard motor.

“(b) If there is no lien on the motorboat or outboard motor, the original certificate of title shall be delivered to the owner and a copy retained by the department.

“(c) If there is a lien on the motorboat or outboard motor, the original certificate of title shall be sent to the first lienholder, a duplicate original certificate shall be sent to the owner, and a copy shall be retained by the department.

“(d) ‘Original’ shall be printed on an original certificate of title and ‘duplicate original’ shall be marked on a duplicate of the original certificate.

“(e) Title may be transferred only by surrender of the original certificate of title properly endorsed to show the transfer.

“Sec. 31.050. FORM OF MANUFACTURER'S AND IMPORTER'S CERTIFICATE. (a) A manufacturer's certificate or an importer's certificate must include:

“(1) a description of the motorboat or outboard motor as required by Subdivision (2) of Subsection (b) of Section 31.047 of this code;

“(2) the name and place of construction or other origin;

"(3) the signature of the manufacturer or an equivalent of the signature of the manufacturer; and

"(4) the endorsement of the original and each subsequent transferee, including the applicant for the original certificate of title.

"(b) A lien, security interest, or other encumbrance may not be shown on a manufacturer's or importer's certificate.

"(c) A security interest may be perfected in a new motorboat or outboard motor as provided in Chapter 9, Business & Commerce Code.

"Sec. 31.051. REPLACEMENT CERTIFICATES. The department shall provide by regulation for the replacement of lost, mutilated, or stolen certificates.

"Sec. 31.052. LIENS. (a) Except as provided in Subsection (c) of Section 31.050 of this code, all liens, security interests, and other encumbrances in a motorboat or outboard motor:

"(1) shall be noted on the certificate of title of the motorboat or outboard motor to which the lien, interest, or encumbrance applies;

"(2) take priority in the chronological order that each is noted on the certificate of title; and

"(3) are valid as against other general creditors of the owner of the motorboat or outboard motor, subsequent purchasers of the motorboat or outboard motor, and a holder of unnoted or subsequent liens, security interests, or encumbrances.

"(b) This section applies to liens, security interests, and encumbrances created after January 1, 1976.

"Sec. 31.053. TRANSFERS OF MOTORBOATS AND OUTBOARD MOTORS. (a) No person may sell, assign, transfer, or otherwise dispose of an interest in a motorboat or an outboard motor without:

"(1) if the transferee is not a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the department a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners;

"(2) if the transferee is a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the transferee a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners;

"(3) if the motorboat or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is a manufacturer or dealer, delivering to the department sufficient evidence of title or other information to permit the issuance of a certificate of title for the motorboat or outboard motor in the name of the transferee;

"(4) if the motorboat or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is not a manufacturer or dealer, delivering to the transferee sufficient evidence of title or other information to permit the transferee to apply for and receive a certificate of title for the motorboat or outboard motor in the name of the transferee; or

"(5) delivering to the transferee a certificate of title for the motorboat or outboard motor in the name of the transferor and properly endorsed to show the transfer.

"(b) A person does not acquire an interest in a motorboat or outboard motor until a certificate of title for the motorboat or outboard motor has been issued in the name of the person or, if the person is a manufacturer or a dealer, until the manufacturer's or importer's certificate is properly endorsed showing the signature of the manufacturer and all intervening owners.

"Sec. 31.054. PROVISIONS APPLICABLE TO VESSELS NOT REQUIRING A CERTIFICATE OF TITLE. The provisions of Sections 31.046, 31.047, 31.049, and 31.050 of this code apply to vessels on which a certificate may but is not required to be issued.

"Sec. 31.055. EXCEPTIONS. This subchapter does not apply to:

"(1) vessels with a valid marine document issued by the Bureau of Customs of the United States or a federal agency that is a successor to the Bureau of Customs;

"(2) an outboard motor of less than 12 horsepower as determined by the manufacturer's rating; and

"(3) a motorboat 14 feet or less in length."

Sec. 2. To conform to Chapter 620, Acts of the 64th Legislature, Regular Session, 1975, Subsections (d) and (e) of Section 61.202, Parks and Wildlife Code, are amended to read as follows:

"(d)(1) If the commissioners court of Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Grayson, Hays, Kinney, Lampasas, Medina, Reagan, Robertson, Sutton, Val Verde, or Zavala county disapproves a proclamation, the taking of wildlife resources in the county is governed by the previous year's proclamation. After disapproval of a proclamation, no public hearing on a similar proposed proclamation may be held within six months of the disapproval, unless the commissioners court certifies to the commission that there has occurred a material change in the surrounding circumstances which requires a public hearing before the end of the six-month period.

"(2) If the commissioners court of Gillespie, Kerr, Kimble, Llano, Mason, Menard, Real, San Saba, Schleicher, or Uvalde county disapproves a proclamation, or part of a proclamation, the taking of wildlife resources in the county is governed either by the general law of this state or by the proclamations of the prior year, to be determined by order of the commissioners court, until such time as the commissioners court approves of subsequent proclamations of the commission. If the commissioners court fails to designate either the general law or the proclamations for the prior year, the law or proclamation in effect for the prior year continues in effect. After disapproval of a proclamation, no public hearing on a similar proposed proclamation may be held within six months of the disapproval, unless the commissioners court certifies to the commission that there has occurred a material change in the surrounding circumstances which requires a public hearing before the end of the six-month period.

"(e) This section applies only to Bandera, Coke, Crockett, Dimmit, Edwards, Frio, Gillespie, Grayson, Hays, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Medina, Menard, Reagan, Real, Robertson, San Saba, Schleicher, Sutton, Uvalde, Val Verde, and Zavala counties."

Sec. 3. (a) To conform to Chapter 664, Acts of the 64th Legislature, Regular Session, 1975, Section 62.051, Parks and Wildlife Code, is amended to read as follows:

"Sec. 62.051. APPLICATION OF SUBCHAPTER. The provisions of this subchapter do not apply to the following counties: Angelina, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brewster, Briscoe, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Childress, Collingsworth, Colorado, Comanche, Comal, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Deaf Smith, Delta, DeWitt, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, Ellis, Erath, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Hill, Hood, Hopkins, Houston, Howard, Hutchinson, Irion, Jackson, Jasper, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kleberg, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, LaSalle, Lavaca, [Leon,] Lipscomb, Live Oak, Llano, McCulloch, McMullen, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Mitchell, Montgomery, Moore, Morris, Motley, Nacogdoches, Newton, Nolan, Nueces, Ochiltree, Oldham, Panola, Parmer, Polk, Rains, Reagan, Real,

Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Throckmorton, Titus, Tom Green, Trinity, Tyler, Upshur, Val Verde, Victoria, Walker, Waller, Washington, Wharton, Wilbarger, Wilson, Wood, and Zavala."

(b) To conform to Chapter 664, Acts of the 64th Legislature, Regular Session, 1975, Subchapter B of Chapter 116, Parks and Wildlife Code, is repealed.

Sec. 4. (a) To conform to Chapter 659, Acts of the 64th Legislature, Regular Session, 1975, Chapter 245, Parks and Wildlife Code, is amended by adding Section 245.013 to read as follows:

"Sec. 245.013. SPECIAL ARCHERY SEASON. The commission shall provide for an archery season for the taking of deer in Leon County beginning on October 1 and extending through October 31 of each year."

(b) To conform to Chapter 659, Acts of the 64th Legislature, Regular Session, 1975, Chapter 213, Parks and Wildlife Code, is amended by adding Section 213.012 to read as follows:

"Sec. 213.012. SPECIAL ARCHERY SEASON. The commission shall provide for an archery season for the taking of deer in Houston County beginning on October 1 and extending through October 31 of each year."

Sec. 5. To conform to Chapter 479, Acts of the 64th Legislature, Regular Session, 1975, Chapter 201, Parks and Wildlife Code, is amended by adding Section 201.016 to read as follows:

"Sec. 201.016. CRAB TRAPS AND POTS; CERTAIN BAYS. (a) This section applies only to the water of Burnett Bay, Crystal Bay, Scott Bay, and Black Duck Bay in Harris County.

"(b) No person may possess, use, or place more than three crab traps, crab pots, or other similar devices used for the catching of crabs on or in the water described in Subsection (a) of this section. This prohibition does not include crab lines, hooks or lines, or trotlines normally employed for the catching of crabs.

"(c) It is an affirmative defense to a prosecution under this section that the person possessed the trap, pot, or device prohibited by Subsection (b) of this section on board a vessel while en route to water where the use of the trap, pot, or device is not prohibited and that the trap, pot, or other device was not used for the purpose of catching crabs in the water to which this section applies.

"(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

"(e) Peace officers and other authorized employees of the department may seize crab traps, crab pots, and other devices used in violation of this section. Items seized under this section shall be held for evidence and may be destroyed or disposed of as required by law if used in violation of this section. No suit may be maintained against an officer or an authorized employee of the department for the seizure of items as authorized by this section."

Sec. 6. The following are repealed:

(1) Subdivisions (3), (9), (14), (15), and (16) of Section 2a and Section 5 of the Water Safety Act (formerly Article 9206, Vernon's Texas Civil Statutes), as amended by Chapter 481, Acts of the 64th Legislature, Regular Session, 1975;

(2) Subsection b, Section 13, Uniform Wildlife Regulatory Act (formerly Article 978j-1, Vernon's Penal Auxiliary Laws), as amended by Chapter 620, Acts of the 64th Legislature, Regular Session, 1975;

(3) Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended by Section 1, Chapter 664, Acts of the 64th Legislature, Regular Session, 1975;

(4) Section 1, Chapter 428, Acts of the 59th Legislature, Regular Session, 1965, as amended by Section 2, Chapter 664, Acts of the 64th Legislature, Regular Session, 1975.

(5) Subsection n, Section 13, Uniform Wildlife Regulatory Act (formerly Article 978j-1, Vernon's Penal Auxiliary Laws), as amended by Section 2, Chapter 659, Acts of the 64th Legislature, Regular Session, 1975;

(6) Chapter 479, Acts of the 64th Legislature, Regular Session, 1975; and

(7) Senate Bill No. 1055, Acts of the 65th Legislature, Regular Session, 1977.

Sec. 7. If a provision of this Act conflicts with another Act of the 65th Legislature, Regular Session, 1977, that amends an Act repealed by this Act or that amends a provision of the Parks and Wildlife Code amended by this Act, the other Act prevails over the provisions of this Act to the extent of the conflict.

Sec. 8. This Act is intended as a recodification only and no change in the law is intended by this Act.

Sec. 9. If Senate Bill No. 1055, Acts of the 65th Legislature, Regular Session, 1977, takes effect, Section 31.048, Parks and Wildlife Code, as added by this Act, shall read as follows:

Sec. 10. Section 245.013, Parks and Wildlife Code, as added by this Act, is repealed on the effective date of House Bill 2225, Acts of the 65th Legislature, Regular Session, 1977.

"Sec. 31.048. FEE. The fee for the issuance of a certificate of title or for the notation of a security interest, lien, or other encumbrance is \$3.50 and is treated as fees collected under Section 31.026 of this code."

Sec. 11. This Act takes effect September 1, 1977.

Sec. 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 1214 WITH HOUSE AMENDMENT

Senator Jones of Harris called S.B. 1214 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.B. No. 1214 as follows:

On page 7, line 12, add Section 6(a), which reads as follows:

Section 6(a) Before the district is finally created an election must be held within the boundaries of the district and the qualified electors within the district, by a majority vote of those voting in the election, must confirm the creation of this district. Notwithstanding the provision of Article 2.01b, Election Code, the election on the question of the confirmation of the district may be held on any date selected by the board of directors of the district. Propositions on the question of issuing bonds, levying taxes or entering into contracts may be submitted to the qualified electors in the district at the same time the question of the confirmation of the district is submitted. Notice of the election shall be given and the election shall be held in the manner provided by Chapter 54, Title 4, Water Code.

The amendment was read.

Senator Jones of Harris moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1214** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones of Harris, Hance, Brooks, Doggett and Williams.

CONFERENCE COMMITTEE REPORT SENATE BILL 151

Senator Meier submitted the following Conference Committee Report:

Austin, Texas
May 25, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 151** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MEIER
MENGDEN
WILLIAMS
ADAMS
TRAEGER
On the part of the Senate

MAYES
BROWN
CEVERHA
NABERS
VON DOHLEN
On the part of the House

A BILL TO BE ENTITLED

AN ACT

relating to a definition of "combination" in relation to organized crime and to the offense of engaging in organized criminal activity; creating certain offenses; providing penalties and venue for prosecution; providing testimonial immunity; excluding certain defenses; providing a defense by renunciation; adding Article 13.21 to the Code of Criminal Procedure, 1965, as amended;

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Penal Code is amended by adding Title 11 to read as follows:

"TITLE 11. ORGANIZED CRIME

'CHAPTER 71. ORGANIZED CRIME

"Section 71.01. DEFINITIONS. In this chapter, (a) 'combination' means five or more persons who collaborate in carrying on criminal activities, although:

"(1) participants may not know each other's identity;

"(2) membership in the combination may change from time to time; and

"(3) participants may stand in a wholesaler-retailer or other arm's-length relationship in illicit distribution operations.

"(b) 'Conspires to commit' means that a person agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense and that person and one or more of them performs an overt act in pursuance of the agreement. An agreement constituting conspiring to commit may be inferred from the acts of the parties.

"Section 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination, he commits or conspires to commit one or more of the following:

"(1) Murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault or forgery;

"(2) any felony gambling offense;

"(3) promotion of prostitution, aggravated promotion of prostitution or compelling prostitution;

"(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons; or

"(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception.

"(b) Except as provided in Subsection (c) of this Section, an offense under this Section is one category higher than the most serious offense listed in Subsection (a)(1)-(5) of this Section that was committed and if the most serious offense is a Class A misdemeanor, the offense is a felony of the third degree, except that if the most serious offense is a felony of the first degree, the offense is a felony of the first degree.

"(c) Conspiring to commit an offense under this Section is of the same degree as the most serious offense listed in Subsection (a)(1)-(5) of this Section that the person conspired to commit.

"Section 71.03. DEFENSES EXCLUDED. It is no defense to prosecution under Section 71.02 of this code that:

"(1) one or more members of the combination are not criminally responsible for the object offense;

"(2) one or more members of the combination have been acquitted, have not been prosecuted or convicted, have been convicted of a different offense, or are immune from prosecution;

"(3) a person has been charged with, acquitted, or convicted of any offense listed in Subsection (a) of Section 71.02 of this code; or

"(4) once the initial combination of five or more persons is formed there is a change in the number or identity of persons in the combination as long as two or more persons remain in the combination and are involved in a continuing course of conduct constituting an offense under this chapter.

"Section 71.04. TESTIMONIAL IMMUNITY. (a) A party to an offense under this chapter may be required to furnish evidence or testify about the offense.

"(b) No evidence or testimony required to be furnished under the provisions of this Section nor any information directly or indirectly derived from such evidence or testimony may be used against the witness in any criminal case, except a prosecution for aggravated perjury or contempt."

"Section 71.05. RENUNCIATION DEFENSE. (a) It is an affirmative defense to prosecution under Section 71.02 of this code that under circumstances manifesting a voluntary and complete renunciation of his criminal objective the actor withdrew from the combination before commission of an offense listed in Subsection (a)(1)-(5) of Section 71.02 of this code and took further affirmative action that prevented the commission of the offense.

"(b) Renunciation is not voluntary if it is motivated in whole or in part:

"(1) by circumstances not present or apparent at the inception of the actor's course of conduct that increase the probability of detection or apprehension or that make more difficult the accomplishment of the objective; or

"(2) by a decision to postpone the criminal conduct until another time or to transfer the criminal act to another but similar objective or victim.

"(c) Evidence that the defendant withdrew from the combination before commission of an offense listed in Subsection (a)(1)-(5) of Section 71.02 of this code and made substantial effort to prevent the commission of an offense listed in Subsection (a)(1)-(5) of Section 71.02 of this code shall be admissible as mitigation at the hearing on punishment if he has been found guilty under Section 71.02 of this code; and in the event of a finding of renunciation under this Subsection, the punishment shall be one grade lower than that provided under Section 71.02 of this code.

Section 2. Chapter 13, Code of Criminal Procedure, 1965, as amended, is amended by adding Article 13.21 to read as follows:

"Article 13.21. ORGANIZED CRIMINAL ACTIVITY. The offense of engaging in organized criminal activity may be prosecuted in any county in which any act is committed to effect an objective of the combination."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT HOUSE BILL 510

Senator Aikin submitted the following Conference Committee Report:

Austin, Texas
May 24, 1977

Honorable William P. Hobby, Lieutenant Governor
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 510, have met and had the same under consideration, and beg to report back with the recommendation that it do pass in the form attached.

AIKIN
BROOKS
CREIGHTON
MOORE
SCHWARTZ
On the part of the Senate

PRESNAL
HEATLY
KASTER
PARKER
VALE
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT HOUSE BILL 22

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 24, 1977

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 22** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON
HARRIS
MOORE
JONES OF TAYLOR
PARKER

On the part of the Senate

SULLIVANT

BRYANT

McBEE

RAINS

COODY

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 846 WITH HOUSE AMENDMENTS

Senator Longoria called **S.B. 846** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Senate Bill No. 846 on page 11, line 13 by striking "Section 17(b)" and inserting in lieu thereof "Section 17(d)".

Floor Amendment No. 1

1. On page 3, line 7, strike "a majority of the resident owners" and substitute "at least two-thirds of the owners".
2. On page 3, line 9, strike "(regardless of residence)".
3. On page 3, line 10, strike "more than one-half" and substitute "at least two-thirds of".
4. On page 5, lines 19 and 20, strike "a majority of the resident owners" and substitute "at least two-thirds of the owners".
5. On page 5, line 21, strike "more than half" and substitute "at least two-thirds".

Floor Amendment No. 2

Amend **S.B. 846** on page 4, Section 7, Subsection (B) by striking the word "two" on lines 12 and 13 and inserting the word "four".

Floor Amendment No. 3

Amend **S.B. 846**, 1st printing, by inserting the word "public" in the following places:

- 1) After the word "the" on page 1, line 16.
- 2) After the word "Authorized" and before the word "Improvements" on page 1 line 20.
- 3) After the word "an" and before the word "improvement" on line 1, page 2.
- 4) After the word "finance" on line 14, page 2.

The amendments were read.

Senator Longoria moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 914 WITH HOUSE AMENDMENT

Senator Farabee called **S.B. 914** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 914

A BILL TO BE ENTITLED AN ACT

relating to the establishment, jurisdiction, and operation of municipal courts of record in the City of Sweetwater and providing for municipal judges and other personnel of the courts; prescribing the appeals from a municipal court of record; conforming the jurisdiction of other courts to the municipal court of record.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. There are created municipal courts of record in the City of Sweetwater, to be held in that city if authorized by a referendum election of the registered voters of that city. Not more than one municipal court of record may be created by any one proposition submitted at such an election, however, more than one such proposition may be submitted in one election. If and when more than one municipal court of record is created the courts shall be designated as Municipal Court of Record No. 1 of the City of Sweetwater, Municipal Court of Record No. 2 of the City of Sweetwater, and as each municipal court is established, it shall be designated with the next succeeding number. All municipal courts of record shall comply with this act whether enacted heretofore or hereafter.

Sec. 2. (a) Municipal courts created under the provisions of this Act shall have concurrent jurisdiction in all criminal cases arising under the charter and ordinances of the city and shall also have concurrent jurisdiction in all criminal cases arising under the laws of the State of Texas and arising within the territorial limits of the city, in which punishment is by fine only and where the maximum of such fine may not exceed \$200.

(b) Municipal courts created under the provisions of this Act shall have concurrent jurisdiction in all civil cases arising within the territorial limits of the city in which the amount in controversy does not exceed \$200, exclusive of costs and interest, and shall have concurrent jurisdiction of a Small Claims Court in all cases arising within the territorial limits of the city.

(c) The judge of a municipal court may grant writs of mandamus, injunction, attachment, and all other necessary writs necessary to the enforcement of the jurisdiction of the court, and may issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court.

(d) Municipal courts shall hold no terms and may sit at any time for the transaction of the business of the courts.

(e) The judges of the municipal courts may, at any time, exchange benches and may, at any time, sit and act for and with each other in any case, matter, or proceeding pending in their courts, and any and all acts thus performed by any of the judges shall be valid and binding upon all parties to such cases, matters, and proceedings.

Sec. 3. The jurisdiction of all courts exercising civil or criminal jurisdiction is conformed to the terms and provisions of this Act.

Sec. 4. (a) Municipal courts shall be presided over by a judge, who shall be known as the "municipal judge", who shall be a licensed attorney in good standing with two or more years of experience in the practice of law in this State and in the county in which the municipal court is located and a citizen of the United States and of this state. He shall be a resident of the city at the time of his election, and he shall maintain his residence within the city during his tenure of office. He shall devote his entire time to the duties of his office and shall not engage in the practice of law while in office. He shall be elected for a term of two years at the general municipal election in the same manner as is provided for the election of members of the governing body of the city.

(b) Municipal court judges shall receive a salary which may not be diminished during their terms of office. A municipal court judge may not be removed from office during the term for which he is elected except for cause to the same extent and under the same rules by which judges of the county courts may be removed from office.

(c) A vacancy in the office of municipal judge by death, resignation, or otherwise shall be filled by appointment of a majority of the governing body of the city, provided however, that the person appointed shall serve only until the next following general municipal election, at which his successor shall be elected.

(d) During any period during which a municipal judge is temporarily unable to act for any reason, the mayor of the city, by and with the consent of the governing body of the city, is authorized to appoint some qualified person to act in the place of the municipal judge, and the appointee shall have all the powers and discharge all the duties of the office and shall receive the same compensation as is payable to the regular municipal judge while he is so acting.

(e) Municipal judges shall execute a bond and take the oath of office as required by law relating to county judges.

Sec. 5. Each municipal judge, or if there is more than one municipal judge, the municipal judges collectively, shall personally prepare and cause to be printed, both in English and in Spanish, and distributed by the clerk of the court to each defendant in a criminal case and to each party in a civil case before the municipal court, a pamphlet describing in clear and easily understood language the basic proceedings in the municipal court, the method by which judgement of the court may be appealed, and advising that the services of an attorney may be necessary. This Act with no part omitted shall be printed in English and Spanish in each such pamphlet. No fee or charge of any kind may be imposed for obtaining copies of the pamphlet described herein and copies of the pamphlet shall be provided upon request. It shall be the duty of the clerk of the court to have on hand at all times an adequate supply of such pamphlets and to see that they are readily accessible in his office or other nearby place during all hours that the municipal courts transact any

Sec. 6. Each municipal court, corporation court, and justice court in the state shall publish during the first week of January and the first week of June of each year in a newspaper of general circulation in the county in which each such court sits a report of its revenues and activities for the six month period immediately preceeding the date of the report and schedule of its established fines payable in cases that are disposed of without hearings. Such report shall be printed in a clear and legible manner in print easily read by a person of average vision, and shall contain the following information in an easily understood form: the amount stated separately in dollars and cents, of all the fines, fees, costs, and cash bonds received by the clerk of the court during the reporting period, the number of criminal and civil cases filed during the reporting period, the number of cases disposed of, setting out the type of

disposition, whether by dismissal, plea of guilt or nolo contendere, or by finding of guilt by the judge sitting without a jury or by jury verdict, the number of cases appealed from the court, and the disposition of such appeals.

Sec. 7. (a) All criminal proceedings in municipal courts shall be commenced upon original complaint filed by the city attorney of the city or his assistant city attorneys. All such complaints shall be prepared under the direction of the city attorney or his assistants.

(b) All civil proceedings in municipal courts shall be commenced and conducted under the Rules of Civil Procedure and the laws pertaining to the conduct of civil actions in the justice courts.

Sec. 8. The clerk of the municipal courts, under the direction of the municipal judge, shall file the original complaint or petition and the original of all judgements, orders, motions, and all other papers and proceedings filed in the case in a folder for permanent record. The clerk shall maintain also a separate minute book for each court.

Sec. 9. The clerk of the municipal courts shall be appointed by the municipal court judge. It shall be the duty of the clerk or his deputies to keep the records of proceedings of the courts and to issue all processes and generally to do and perform the duties now prescribed by law for clerks of county courts exercising criminal jurisdiction insofar as the same may be applicable. The clerk of the municipal courts shall hold office at the pleasure of the municipal court judge, and shall perform duties under the direction and control of the municipal judges.

Sec. 10. For the purpose of preserving a record in all cases tried before the municipal courts, the judge of each court shall appoint an official court reporter, who shall be well-skilled in the profession and have the qualifications required of a court reporter in the courts as provided by the general laws of Texas. The reporter shall be a sworn officer of the court and shall hold office at the pleasure of the judge at a salary to be fixed by the governing body of the city. The court reporter is required to take testimony in all cases, civil or criminal, whether the parties request it or not. The judge or judges of the courts may appoint such deputy official court reporters as may be deemed necessary to promptly and efficiently dispose of the business of the courts. The court reporter shall perform duties under the direction and control of the municipal judge or judges.

Sec. 11. (a) No court costs shall be assessed or collected by any municipal court in any criminal case tried in the courts, except warrant fees or capias fees as authorized by the Code of Criminal Procedure, 1965, for corporation courts.

(b) In civil cases the court shall assess and collect such costs and fees as are provided for by the Rules of Civil Procedure and general law for the justice courts.

Sec. 12. All processes issuing out of municipal courts may be served by a policeman or warrant officer of the city or by any peace officer under the same rules as are provided for service by sheriffs and constables of process issuing out of a justice court so far as applicable.

Sec. 13. All prosecutions in municipal courts shall be conducted by the city attorney of the city or his assistants. The chief of police of the city shall, in person or by designated officer or deputy, attend all court proceedings and perform the duties of a bailiff.

Sec. 14. Criminal proceedings in municipal courts shall be commenced by complaint filed by the city attorney, which shall begin: "In the name and by authority of the State of Texas," and shall conclude: "Against the peace and dignity of the state." All complaints shall be prepared under the direction of the city attorney or his assistants, who, for that purpose, shall have power to administer the oath. The complaint shall be in writing and shall state:

(a) the name of the accused, if known, and if unknown, shall describe him as accurately as practicable;

- (b) the offense with which he is charged in plain and intelligible words;
- (c) facts showing that the place where the offense is charged to have been committed is within the jurisdiction of the municipal court;
- (d) facts showing, from the date of the offense stated therein, that the offense is not barred by limitations. All pleadings in the municipal courts shall be in writing and filed with the clerk of such courts; and
- (e) the specific ordinance or section of the penal code which the defendant has allegedly violated.

Sec. 15. (a) Every citizen of the appropriate municipality brought before the municipal courts and charged with an offense shall be entitled to be tried by a lawful jury of six persons. The municipal judge shall set certain days of each week or month for the trial of jury cases. Juries for the court shall be selected in the following procedure. On the implementation of this Act by the governing body of the city and between the 1st and 15th days of August of each year thereafter, the tax assessor and collector of the city, or one of his deputies, and the city secretary, or one of his assistants, shall meet together and select, from the list of qualified jurors in the city, the jurors for service in the municipal courts for the ensuing year. The list of jurors shall be taken from the voters registration list of the city. The officers shall place the names of all persons who are known to be qualified jurors under the law residing in the city on separate cards of uniform size and color, placing also on the cards, whenever possible, the post-office address of each juror so selected. The cards containing the names shall be deposited in a jury wheel to be provided for that purpose by the governing body of the city. The wheel shall be constructed of any durable material, shall be so constructed so as to revolve freely on its axle, and may be equipped with a motor to revolve the wheel so as to thoroughly mix the cards. The wheel shall be locked at all times, except when in use as hereinafter provided, by the use of two separate locks so arranged that the key to one will not open the other lock. The wheel and the clasps into which the locks are fitted shall be arranged so that the wheel cannot be opened unless both of the locks are unlocked. The keys to the locks shall be kept, one by the city secretary and the other by the clerk of the municipal courts. The city secretary and the clerk of the municipal courts shall not open the wheel or permit it to be opened by any person except at the time and in the manner and by the persons herein specified. The city secretary and clerk shall keep the wheel when not in use in a safe and secure place where it cannot be tampered with.

(b) Not less than 10 days before January 1, April 1, July 1, and October 1 of each year, the clerk of the municipal courts or one of his deputies, and the city secretary, or one of his assistants, in the presence and under the direction of one of the municipal judges shall draw from the wheel containing the names of jurors, after the wheel has been turned and the cards thoroughly mixed, one by one the names of jurors to provide the number directed by the judges for each week of the three months next ensuing for which a jury may be required, and shall record the names as they are drawn on a separate sheet of paper for each week for which jurors may be required. At the drawing, no persons other than those above named shall be permitted to be present. The officers attending the drawing shall not divulge to any person the name of any person that may be drawn as a juror. If at any time during the next three months prior to the next drawing date it appears that the list already drawn will be exhausted before the expiration of three months, additional lists for as many additional weeks as the judges may direct will be drawn in the same manner. The several lists of names so drawn shall be certified under the hand of the clerk of the municipal courts, or his deputy doing the drawing, and the municipal judge in whose presence the names were drawn, to be the lists drawn by him for that quarter and shall be sealed up in separate envelopes endorsed "List no. _____ of the petit jurors drawn on the ____ day of _____, 19____, for the Municipal Courts of

Sweetwater." The clerk doing the drawing shall write his name across the seals of the envelopes and deliver them to the judge, who shall inspect the envelopes to see that they are properly endorsed and shall then deliver them to the clerk or his deputy, and the clerk shall then immediately file them away in some safe and secure place in his office under lock and key. When the names are drawn for jury service, the cards containing the names shall be sealed in separate envelopes endorsed "Cards containing the names of jurors list no. _____ of the petit jurors drawn on the _____ day of _____, 19____, for the Municipal Courts of Sweetwater." Each envelope shall be retained unopened by the clerk until after the jury selected from the corresponding list has been impaneled. After the jurors so impaneled have served four or more days, the envelope containing the cards bearing the names of the jurors on that list shall then be opened by the clerk or his deputy. Those cards bearing the names of persons who have not been impaneled and who have not served as many as four days shall be immediately returned to the wheel by the clerk or his deputy, and the cards bearing the names of the persons serving as many as four days shall be put in a box provided for that purpose for the use of the officers who shall next select the jurors from the wheel. If any of the lists drawn are not used, the clerk or his deputy shall open the envelopes containing the cards bearing the names of the unused lists immediately after the expiration of the three-month period and return the cards to the wheel. A juror serving on a jury in the court shall receive not less than \$10 for each day and for each fraction of a day he attends the court as a juror, and in no event less than that paid in county courts.

(c) Any citizen of the appropriate municipality shall have the right of trial by jury in civil cases in municipal courts which shall be governed by the Rules of Civil Procedure and the laws governing jury trials in the justice courts. The selection of jurors shall be by the same procedures as herein before provided for criminal cases in the municipal courts.

Sec. 16. Except as modified by the Act, the trial of criminal cases before municipal courts shall be governed by the Code of Criminal Procedure, 1965, applicable to county courts. The trial of civil cases shall be governed by the Rules of Civil Procedure applicable to justice courts, except as modified by this Act.

Sec. 17. All bonds taken in proceedings in the courts shall be payable to the State of Texas for the use and benefit of the city.

Sec. 18. The judgment and sentence, in case of conviction before municipal courts, shall be in the name of the State of Texas, and shall recover of the defendant the fine and costs for the use and benefit of the State except for actual expenses. Except when otherwise ordered by the court, the court shall require that the defendant remain in custody of the chief of police of such city until the fine and costs are paid and shall order that execution issue to collect the fines and penalties.

Sec. 19. Appeals from municipal courts shall be heard by the county courts or county courts at law in the county where the municipal court is located having civil or criminal jurisdiction, according to the nature of the case, except in cases when the county court has no jurisdiction of appeals from justice courts, in which cases the appeals shall be heard by the court having jurisdiction of appeals from justice courts. In no case shall an appeal from a municipal court be heard by a court, the judge of which is not a licensed attorney, and in such event, appeals from the municipal court shall be to a district court in which district the municipal court is located.

Sec. 20. The State shall have no right of appeal in criminal cases.

Sec. 21. Any party, except as otherwise provided herein, shall have the right of appeal from a judgment in a municipal court under the rules hereinafter set out, and a motion for a new trial shall be prerequisite to the right of appeal from a municipal court except in those criminal cases in which the defendant was not represented by counsel in the municipal court. In cases in which the defendant was not represented by counsel in the municipal court any oral notice or writing signed

by the defendant or upon which the defendant has made his mark and which in ordinary language sets out the reasons why the party wishes to appeal the judgment of the court shall be a prerequisite to the right of appeal if made within the time prescribed for the making of a motion for a new trial. Such a notice shall be acted upon as if it were a motion for a new trial.

Sec. 22. A motion for a new trial must be made within 20 days after the rendition of judgment and sentence and not thereafter. Such motion must be filed with the clerk of the court.

Sec. 23. In no case shall the State be entitled to a new trial in criminal cases.

Sec. 24. An appeal may be taken by giving notice of the intent to appeal in open court, which shall be noted on the docket of the court or embodied in the order overruling the motion for new trial. The notice must be given or filed within 10 days after the order overruling the motion for new trial is rendered. No particular form or content of such notice shall be required, other than that it shall give reasonably ascertainable notice of the intent to appeal. An appeal bond, not to exceed \$10 in amount, must be filed with the court within ten days after the order overruling the motion for new trial or its equivalent has been rendered in order for an appeal to be perfected.

Sec. 25. In appeals from the judgments and sentence of a municipal court in a criminal case, the judge may at his discretion require the defendant to give bail in an amount not to exceed the total amount of fines and costs adjudged against him or he may order the defendant released on his personal recognizance pending appeal. Bail shall be payable to the State of Texas and in no event shall the amount of bail required be for a sum in excess of \$200. The bond or personal recognizance shall recite that in the cause the defendant shall make his personal appearance instant or shall appear by his attorney before the court to which the appeal is taken, if the court is in session, and, if the court is not in session, then at its next session, and there remain from day to day and answer in the cause.

Sec. 26. In view of the crowded conditions of the dockets of the courts, the record and briefs on appeal in a case appealed from a municipal court shall be limited so far as possible to the questions relied on for reversal.

Sec. 27. The city shall provide the record on appeal in a case appealed from a municipal court which shall consist of a transcript, and where necessary to the appeal, a statement of facts.

Sec. 28. The clerk of the municipal courts, under written instructions of the defendant, or his attorney, shall prepare under his hand and seal of the court for transmission to the appellate court and the defendant a true copy of the proceedings in the municipal court, and, unless otherwise designated by agreement of the parties, shall include the following: (1) the complaint upon which the trial was had; (2) the order of the court upon any motion or exceptions; (3) the judgment of the court and the verdict of the jury; (4) any findings of fact or conclusions of law by the court; (5) the judgment of the court; (6) the motion for new trial and the order of the court thereon; (7) any statement of the defendant; (8) and statement as to the matter to be included in the record; (9) the appeal bond; (10) certified bill of cost; and (11) any signed paper designated as material by the defendant, or his attorney, or the city attorney or his assistant. The defendant, or his attorney, may file with the clerk and deliver or mail to the city attorney or his assistant a copy of the written instruction, and the city attorney or his assistant may file and deliver or mail a written direction to the clerk to include in the transcript additional portions of proceedings in the trial court.

Sec. 29. (a) The statement of facts of the testimony of the witnesses need not be in narrative form but may be in question and answer form. The defendant, or his attorney, may prepare and file with the clerk a statement in narrative form of all or part of the testimony and deliver a true copy thereof to the city attorney or his

assistant, and if the city attorney or his assistant is dissatisfied with the narrative statement, he may file a motion with the court requesting that testimony in question and answer form be substituted for all or part thereof.

(b) All matters not essential to the decision or the questions presented in the motion for new trial shall be omitted from a statement of facts. Formal parts of all exhibits and more than one copy of any document appearing in the transcript or the statement of facts may be excluded. All documents may be abridged by omitting or abbreviating a formal portion thereof.

(c) It shall be unnecessary for the statement of facts to be approved by the trial court or judge thereof when agreed to by the defendant, or his attorney, and the city attorney or his assistant.

(d) A written request for a statement of f

Sec. 30. The defendant, or his attorney, and the city attorney, or his assistant, may agree upon a brief statement of the case and upon the facts proven as will enable the appellate court to determine where there is error in the judgment of the trial court. Such statements shall be copied into the transcript in lieu of the proceedings themselves.

Sec. 31. The transcript and statement of facts shall be filed with the clerk of the municipal courts within 60 days from the date of the order overruling the motion for new trial and shall be promptly forwarded by the clerk of the municipal courts to the clerk of the court to which the appeal is taken.

Sec. 32. The appellant shall file his brief with the clerk of the court to which the appeal is taken within 25 days from the date of the filing of the transcript and statement of facts with the clerk of the appellate court, who shall notify the appellee of the filing. The appellee shall file his brief with the clerk of the appellate court within 15 days after the appellant files his brief with the clerk. Each party, on filing his brief with the clerk of the appellate court, shall cause a true copy of his brief to be delivered to the opposing party.

Sec. 33. The court to which the appeal is taken shall hear and determine appeals from municipal courts at the earliest time it may be done, with due regard to the rights of parties and proper administration of justice. Oral arguments before the court shall be under such rules as the court may determine and the parties may submit the case on the records and briefs without oral argument.

Sec. 34. The court, having jurisdiction of appeals from municipal courts, may affirm the judgment of the municipal court, or may reverse or remand for a new trial, or may reverse and dismiss the case, or may reform or correct the judgment, or may retry the case, as the law and the nature of the case may require. In each case decided by the court having jurisdiction of appeals, the court shall deliver a written opinion either sustaining or overruling each assignment of error presented. If an assignment of error is sustained, the court shall set forth the reasons for such decision. Copies of the decision of the court shall be mailed by the clerk of the court to the parties and the judge of the municipal court as soon as rendered by the court.

Sec. 35. When the judgment of the court having jurisdiction of appeals from municipal courts become final, the clerk of the court shall make out a proper certificate of the proceedings had and the judgment rendered and mail the certificate to the clerk of the municipal court from which the appeal was taken. When the record is received by the clerk of the municipal courts, he shall file it with the papers in the case and note it upon the docket of the municipal court. Where the judgment has been affirmed, no proceedings need be had after filing the record in the municipal court to enforce the judgement of the court, except forfeiture of the bond of the defendant, issuance of a *capias* for the defendant, or an execution against his property.

Sec. 36. Where the appeal court awards a new trial to the defendant, the cause shall stand as it would have stood if a new trial had been granted by the municipal court.

Sec. 37. Appeals to the Court of Criminal Appeals of Texas from the decision of the court having jurisdiction of the appeals from municipal courts, when permitted by law, shall be governed by the Code of Criminal Procedure, 1965, except that when an appeal is permitted by law, the transcript, briefs, and statement of facts filed in the court having jurisdiction of appeals from municipal courts shall constitute the transcript, briefs, and statement of facts before the Court of Criminal Appeals of Texas or as the rules of the Court of Criminal Appeals may provide in such cases.

Sec. 38. Appeals to the Courts of Civil Appeals and the Supreme Court shall be governed by the applicable Rules of Civil Procedure and laws governing the appeal of civil cases from the justice and county courts.

Sec. 39. (a) The municipal courts shall be held in the city at a place or places within the corporate limits of the city as may be designated by the governing body of the city.

(b) The governing body of the city shall provide suitable quarters for the courts, and all costs of providing courtrooms and office space for the courts, the clerk, and court reporters shall be paid for by the governing body of the city. All salaries paid to the judges, the clerk, court reporters, and employees of the municipal courts shall be paid by the governing body of the city.

Sec. 40. All fines, fees, costs, and cash bonds in municipal courts shall be paid to the clerk of the municipal courts. The clerk of the municipal courts shall deposit all fines, fees, costs and cash bonds directly into the general fund of the city.

Sec. 41. The judges of the municipal courts, the clerk and deputy clerks of the courts, and the court reporters of the municipal courts shall not be considered to be classified employees under civil service, charter, or ordinance provisions. However, the governing body of the city may provide by ordinance that all other employees of the municipal courts may be hired and paid as classified employees under the city civil service, charter, or ordinance provisions. The judges, clerks, deputy clerks, and court reporters may be authorized or required by the governing body of the city to participate in the retirement program of the city. The judges, clerks, deputy clerks, and court reporters of municipal courts shall receive the same vacation, sick leave, and other benefits as are provided for other nonclassified employees of the city under such regulations as may be provided by the governing body.

Sec. 42. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Farabee moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 914 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Farabee, Snelson, Traeger, Mengden and Adams.

SENATE BILL 1078 WITH HOUSE AMENDMENT

Senator Williams called **S.B. 1078** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 1078:

A BILL TO BE ENTITLED

AN ACT

relating to valuation of property for taxation when said property is nominally owned by nonprofit associations, corporations, or other organizations for the use, benefit, and enjoyment of their members; authorizing the tax assessor to value such property on a nominal basis under certain conditions; providing that the true value of such nominally owned property is reflected in the enhanced value of the property owned by the members of the organization whose ownership entitles them to the use and enjoyment of the nominally owned property; defining certain terms and conditions; proclaiming legislative policy with respect to such nominally owned property; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Legislature recognizes as an existing condition the fact that many residential subdivisions are developed on the basis of a nonprofit association or corporation maintaining nominal ownership to certain property which will be held for the use, benefit and enjoyment of the members of such association or corporation, such nominally owned property consisting of such items as swimming pools, parks, meeting halls, parking lots, tennis courts, and many other similar and related items of property. The Legislature further recognizes that the existence of such an association or corporation holding nominal title to such facilities for the use, benefit, and enjoyment of its members greatly enhances the valuation for tax purposes of the individual properties owned by members of the association or corporation who are entitled to the use and enjoyment thereof. The Legislature further recognizes that the valuation for tax purposes of the property thus nominally held by such associations or corporations is actually reflected in the enhanced valuation of the property owned by the individual members thereof and to assess such nominally owned property on the basis of its fair market value would result in double taxation of such property. It is therefore declared to be the policy of the State of Texas that all political subdivisions of the State of Texas take cognizance of the existence of such subdivision developments and recognize that all property nominally owned by such associations or corporations should be assessed and taxed on a nominal basis rather than at fair market value.

Sec. 2. All property, real, personal, or mixed, owned by an association, corporation, or similar nonprofit organization, as herein defined, shall be assessed for tax purposes on the basis of a nominal value with respect to all property taxes levied by the State of Texas or any political subdivision of the State of Texas if:

(a) all property owned by said association or corporation is held for the use, benefit, and enjoyment of all members of said association equally; and

(b) each member of the association or corporation owns or possesses an easement, license or other non-revokable right for the use and enjoyment on an equal basis of all the property so held by such association or corporation, subject to any restrictions imposed by the instruments conveying such right or interest or granting such easement and any rules, regulations or bylaws imposed by the association or corporations pursuant to the authority granted by the articles of incorporation, declaration of covenants, conditions and restrictions, the bylaws or the articles of association of such corporation or association; and

(c) each easement, license, or other non-revokable right to the use and enjoyment of all association property is appurtenant to and an integral part of the taxable real property owned by such members.

Sec. 3. In appraising individual properties owned by members of the association or corporation who are entitled to the use and enjoyment of facilities owned by the association or corporation, the enhanced value of the individual properties because of the right to the use and benefit of the facilities shall be a factor taken into consideration by the appraiser.

Sec. 4. Any nonprofit association, corporation, or other organization shall qualify for the benefits provided in this Act if:

(a) such association or corporation is engaged in residential real estate management; and

(b) such association or corporation is organized and operated to provide for the acquisition, construction, management, maintenance, and care of property nominally owned by such association or corporation and held for the use, benefit, and enjoyment of its members; and

(c) 60% or more of the gross income of such association or corporation consists of amounts received as membership dues, fees, or assessments from owners of residences or residential lots within the area subject to jurisdiction and assessment power of such association or corporation; and

(d) 90% or more of the expenditures of the association or corporation are made for the purpose of acquiring, constructing, managing, maintaining, and caring for the property nominally held by such association or corporation; and

(e) all members of the association or corporation own easement, license, or other non-revokable rights for the use and enjoyment on an equal basis of all the property nominally owned by such association or corporation subject to any restrictions imposed by the instruments conveying such right or interest or granting such easement and any rules, regulations or bylaws imposed by the association or corporation pursuant to the authority granted by the articles of incorporation, declaration of covenants, conditions and restrictions, the bylaws or the articles of association of such corporation or association; and

(f) no part of the net earning, if any, of such association or corporation shall inure to the benefit of any member or individual, other than by acquiring, constructing, or providing management, maintenance, and care of association or corporation property, or other than by a rebate of excess membership dues, fees or assessments; and

(g) such nonprofit corporation, association or organization shall qualify for treatment under Section 1301 of the Tax Reform Act of 1976 amending Internal Revenue Code, Section 528, "Certain Homeowners Associations".

Sec. 5. All laws or parts of law in conflict herewith are hereby repealed to the extent of such conflict but only to the extent of such conflict, and this Act shall be cumulative of all existing laws relative hereto and not inconsistent herewith.

Sec. 6. The fact that property nominally owned by nonprofit associations or corporations in residential subdivisions for the use, benefit and enjoyment of its

members is being taxed inconsistently on the basis of its market value, the fact that the actual value of such property is reflected in the enhanced value of the individual units, the failure of many taxing authorities to recognize that this situation results in double taxation of the commonly used property, since the value of the commonly used property is reflected in the value assigned to the individual units, and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed.

SENATE RULE 103 SUSPENDED

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following bills today:

H.B. 1012
H.B. 1855

SENATE RULE 103 SUSPENDED

On motion of Senator Mauzy and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following bill and resolution today:

S.J.R. 60
H.B. 1410

SENATE RULE 103 SUSPENDED

On motion of Senator Moore and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider the following bills today:

H.B. 1416
H.B. 649

SENATE RULE 103 SUSPENDED

On motion of Senator Sherman and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider **H.B. 2235** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.B. 641** today.

SENATE JOINT RESOLUTION 30 WITH HOUSE AMENDMENTS

Senator Ogg called S.J.R. 30 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Floor Amendment No. 1

Amend S.J.R. No. 30 as follows:

(1) Strike the quoted Subsection (2) on page 1, lines 14-25, and page 2, lines 1-18, and insert the following:

"(2) The name of the State Judicial Qualifications Commission is changed to the State Commission on Judicial Conduct. The Commission consists ~~(There is hereby created the State Judicial Qualifications Commission, to consist)~~ of eleven ~~(11) (nine (9))~~ members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) four (4) ~~(three (3))~~ citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; and (v) one (1) Justice of the Peace; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership, except that the Justice of the Peace shall be selected at large without regard to whether he resides or holds a judgeship in the same Supreme Judicial District as another member of the Commission. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, ~~and~~ those of class (iiii) by appointment of the Governor with advice and consent of the Senate, and the commissioner of class (v) by appointment of the Supreme Court from a list of five (5) names submitted by the executive committee of the Justice of the Peace and Constables Association of Texas, with the advice and consent of the Senate. The initial term of the commissioner of class (v) and the fourth commissioner of class (iiii) added by this amendment terminates on November 19, 1979. Each person holding office as a member of the Commission on the effective date of this amendment continues to hold the office for the term for which he was appointed."

(2) Strike "November, _____," on page 6, line 22, and insert "November, 1977,".

Floor Amendment No. 2

Amend S.J.R. 30 by deleting all of Subsection (10) on pages 5 and 6 and substituting therefore the following:

"(10) all papers filed with and proceedings before the Commission or a Master shall be confidential, unless otherwise provided by law, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged, unless otherwise provided by law, provided that

upon being filed in the Supreme Court the record loses its confidential character. However, the Commission may issue a public statement through its executive director or its Chairman at any time during any of its proceedings under this Section when sources other than the Commission cause notoriety concerning a Judge, or the Commission itself and the Commission determines that the best interests of a Judge, or of the public will be served by issuing the statement."

The amendments were read.

Senator Ogg moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Harris, Parker.

SENATE BILL 1300 WITH HOUSE AMENDMENTS

Senator McKnight called **S.B. 1300** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Senate Bill No. 1300 by adding the following new Section 1 and by renumbering the other sections accordingly:

"Sec. 1. By this Act the Legislature does intend:

(1) that the East Texas Chest Hospital shall continue to serve as a "State Tuberculosis Hospital" under the terms and provisions of the Texas Tuberculosis Code;

(2) that the Texas Board of Health Resources shall continue to have the authority and power to assign and send tuberculosis patients to the East Texas Chest Hospital for treatment and/or hospitalization under the terms and provisions of the Texas Tuberculosis Code;

(3) that The University of Texas System shall provide and pay for the care and treatment of tuberculosis patients in the East Texas Chest Hospital out of such funds as the Legislature may appropriate for the hospital to use for that purpose;

(4) that The University of Texas System shall honor and perform all existing contracts heretofore entered into by, for or on behalf of the East Texas Chest Hospital, including, but not limited to, the existing contracts covering the training and education of osteopathic resident physicians at the East Texas Chest Hospital;

(5) that if future contracts are required to provide for the care and treatment of the outpatients of the East Texas Chest Hospital, The University of Texas System shall pay for that care and treatment out of such funds as the Legislature may appropriate for such hospital to use for that purpose, or The University of Texas System shall transfer to the Texas Department of Health Resources, out of such funds as the Legislature may appropriate for the East Texas Chest Hospital to use for that purpose, money to pay for the care and treatment of the outpatients of that hospital, whichever may be appropriate; and

(6) that except for the transfer of the governance and management of the East Texas Chest Hospital from the Texas Department of Health Resources to The University of Texas System, the power and authority of the Texas Department of Health Resources to examine, diagnose, isolate, quarantine, hospitalize, treat and/or otherwise care for tuberculosis patients under the terms and provisions of the Texas Tuberculosis Code shall remain undiminished, unchanged and in full force and effect.

Committee Amendment No. 2

To correct a typographical error, amend Senate Bill 1300 by striking existing Section 7 (which will be Section 8 after the renumbering of the sections directed by Committee Amendment No. 1) and by substituting the following:

"Chapter 528, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4477-13, Vernon's Texas Civil Statutes), is repealed, and all other laws or parts of laws in conflict with this Act are repealed to the extent of such conflict."

The amendments were read.

Senator McKnight moved to concur in the House amendments.

The motion prevailed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

SENATE BILL 1172 WITH HOUSE AMENDMENT

Senator Sherman called **S.B. 1172** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. No. 1172:

A BILL TO BE ENTITLED

AN ACT

relating to the creation, powers, duties, and operations of the Texas Energy Advisory Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. **SHORT TITLE.** This Act may be cited as the Energy Policy Planning Act of 1977.

Sec. 2. **DECLARATION OF POLICY.** The legislature declares that:

(1) the future energy prospects portend such grave consequences for the economy and environment of Texas that all state government policies and actions must be taken in accordance with an articulated energy policy;

(2) for the state to articulate a state energy policy requires energy policy planning coordinated among all relevant state offices on the basis of the best available data analyzed by sophisticated technological, environmental, and sociological methods of policy analysis;

(3) extensive research and development in energy-related matters of particular importance to the Texas energy situation are essential to maintaining a viable economy and high quality of life in this state; and

(4) there must be a state body responsible for this energy policy planning to provide an adequate degree of public visibility and awareness of energy matters.

Sec. 3. CREATION OF THE TEXAS ENERGY ADVISORY COUNCIL.

The Texas Energy Advisory Council is created. Voting members are the lieutenant governor, the speaker of the house of representatives, the attorney general, a designated commissioner of the Railroad Commission of Texas, a designated commissioner of the Public Utility Commission of Texas, the commissioner of the General Land Office, the agriculture commissioner, the state comptroller, one senator appointed by the lieutenant governor, and one member of the house of representatives appointed by the speaker of the house of representatives. Nonvoting members are the chairman and vice-chairman of the advisory committee. The lieutenant governor is chairman, and the speaker of the house of representatives is vice-chairman. The Texas Energy Advisory Council shall meet at least every three months and at the call of the chairman.

Sec. 4. DUTIES OF THE COUNCIL. (a) The Texas Energy Advisory Council and the staff of the council shall promote the policy declared in Section 2 of this Act by formulating, continually reassessing, and modifying a state energy policy for recommendation to the legislature and the governor. The functions in this formulation process include:

(1) developing and maintaining an energy data base system and econometric modeling of the state;

(2) analyzing manpower needs for anticipated and desired changes in the structure of the Texas economy due to energy developments;

(3) analyzing technological developments of particular importance to the state's development under the anticipated and desired energy prospects for possible promotion and encouragement;

(4) maintaining an awareness of all energy-related research of importance to this state conducted inside and outside this state in order to promote information exchange and coordination;

(5) monitoring and reviewing existing and proposed actions and policies of all state and federal agencies to determine the energy impact and to recommend to the legislature and the governor possible alternatives more consistent with state energy policy;

(6) recommending legislation and executive action to foster the development of increased energy supplies, more efficient energy systems, and increased conservation of energy; and

(7) maintaining contact with interested segments of the public for the purpose of accomplishing necessary public visibility and monitoring public concerns.

(b) The Texas Energy Advisory Council shall review and comment to the legislature and the governor on existing and proposed action by the federal government.

(c) The Texas Energy Advisory Council shall perform other duties imposed by law or assigned by the governor, the chairman, or the vice-chairman.

Sec. 5. STAFF OF THE COUNCIL. (a) The governor, with the approval of the lieutenant governor and the speaker of the house of representatives, shall appoint an executive director.

(b) The executive director shall hire and direct all other staff necessary to perform the duties enumerated in Section 4 of this Act. All staff responsible for technical assessments or for the development of computer or econometric systems, excluding administrative personnel, must be qualified by academic training and actual work experience in the area of their respective responsibilities.

(c) The executive director may dismiss members of the staff of the council. Also, members of the staff and the executive director of the council may be dismissed by concurrence of the chairman and vice-chairman.

(d) Total staff of the council, including the executive director, shall not exceed 20 persons.

(e) The compensation of the executive director shall be determined by the chairman and vice-chairman but in no event shall it exceed \$36,000. Compensation for staff members shall be determined according to the position classification plan for other state employees.

(f) The executive director, with the approval of the chairman and vice-chairman, may contract with consultants, partnerships, corporations, universities, state agencies, and other governmental bodies to provide services necessary to perform the duties of the council.

Sec. 6. **ADVISORY COMMITTEE.** The Advisory Committee to the Texas Energy Advisory Council is created. The Texas Energy Advisory Council may appoint members to the advisory committee. Heads of other state agencies who are not members of the Texas Energy Advisory Council and citizens of the state who, if appointed, would represent a balance of opinions and interests and a cross-section of socioeconomic and geographic sectoral bases are eligible for membership. Members of the advisory committee shall be reimbursed within statutory guidelines for actual expenses for travel for the business of the advisory committee. Each citizen member of the advisory committee is entitled to receive \$25 for each day he is engaged in the business of the advisory committee. The advisory committee shall elect a chairman and vice-chairman to serve as nonvoting members of the Texas Energy Advisory Council.

Sec. 7. **COOPERATION BY OTHER STATE AGENCIES.** All other state agencies shall cooperate with, coordinate with, and heed the recommendations of the Texas Energy Advisory Council to the utmost degree possible within the range of action available to an agency short of conflict with existing statutory duty or discretion imposed on or granted to the agency.

Sec. 8. **EXPIRATION.** The provisions of this Act expire on August 31, 1979.

Sec. 9. **EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

The amendment was read.

Senator Sherman moved to concur in the House amendment.

The motion prevailed.

SENATE RESOLUTION 749

Senator McKnight offered the following resolution:

WHEREAS, H. H. "Pete" Coffield has announced his retirement after serving as director and as chairman of the Texas Department of Corrections for the past 29

years, having been appointed by Governor Beauford Jester in 1948, and reappointed every six years by succeeding Governors. Twenty-two of those years were spent as chairman of the board, in which capacity his contributions helped make the Texas Department of Corrections one of the best of its kind in the United States. It has been through his efforts, together with those of his colleagues, that the State of Texas can be justly proud of its prison system and of the fact that the institution is continually working to better prepare its inmates for useful lives when they leave the prison; and

WHEREAS, This distinguished gentleman's interests are legion. Seldom in the history of the state has a man given so much of himself, and many organizations and people have been helped through his good works, probably the most notable of which are the Boy Scouts of America and the Salvation Army. He has served as chairman of Region IX of the Boy Scouts of America, which includes Texas and three other states. He is the only honorary colonel in the history of the Salvation Army in Texas; and

WHEREAS, Besides his great interest in the prison system, he is active as a rancher, oilman, and philanthropist. His business interests include Coffield Pipeline Company, Coffield Lumber Company, and Coffield Construction Company. In January, 1973, he was given the honorary title of Great White Eagle of Texas by the Alabama-Coushatta tribes in recognition of his many good works. As chairman of the board of the committee on the Texas Prison Rodeo, he has never missed a performance, always being in Huntsville to welcome visitors to the "World's Greatest Rodeo"; and

WHEREAS, The Texas Senate wishes to congratulate and commend H. H. "Pete" Coffield for the excellent job which he has done as member and as chairman of the board of the Texas Department of Corrections over the past 29 years, and for the many contributions he has made to his state and to his fellowman; now, therefore, be it

RESOLVED by the Senate of the 65th Legislature of the State of Texas, That, by this resolution, H. H. "Pete" Coffield, affectionately known as "Mr. Chairman," be, and he is hereby, commended for the tremendous job he has done in helping to make the Texas Department of Corrections one of the best penal agencies in the nation; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Coffield as an expression of deep appreciation for his many accomplishments for the State of Texas.

McKNIGHT
MOORE

The resolution was read and was adopted.

SENATE BILL 20 WITH HOUSE AMENDMENT

Senator Doggett called S.B. 20 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for S.B. 20:

A BILL TO BE ENTITLED

AN ACT

relating to contributions for State employees to the old Age and Survivors Insurance Program of the Federal Social Security Act; amending Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 695h, Vernon's Texas Civil Statutes), by amending Section 4, relating to State contributions; amending Section 5, relating to employee contributions; amending Section 6, relating to collection of contributions; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 4, Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended, (Article 695h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The State Agency is authorized to pay contributions as required by these agreements from the Social Security Trust Fund established by Chapter 500, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 695g, Vernon's Texas Civil Statutes). All (House Bill No. 603, Acts of the Fifty-second Legislature, 1951, and it is expressly provided that all) laws and parts of laws which fix a maximum compensation for any covered employees of the State are hereby amended to allow payment (of the matching contribution necessary to this program), in addition to any maximum compensation (compensations) otherwise fixed by law(-), of all contributions necessary to this program except for such portion as is payable by State employees."

Sec. 2. Section 5, Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended, (Article 695h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. In consideration of State employees' retention in or entry upon employment, there is imposed upon said employees as to services which are covered by an agreement with the Secretary of Health, Education and Welfare a contribution with respect to wages (as defined in Section 1(a) of this Act) equal to the amount of the employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. On behalf of each state officer or employee other than state paid judges, the State will pay these contributions in a percentage not to exceed 5.85 per cent of wages, such wages not to exceed sixteen thousand five hundred dollars (\$16,500) in any calendar year. Any excess employee contributions shall be paid by the employee. Such contributions shall be paid to the Social Security Trust Fund (in the manner hereinafter detailed. An amount equal to the amount specified in the first sentence of this Section shall be paid by the State to the Social Security Trust Fund) from the respective funds from which covered employees receive their compensation.

Sec. 3. Subsection b, Section 6, Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended, (Article 695h, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The collection of the State's contribution shall be made as follows:

"(1) After September 1, 1978, (From) and after the date of the establishment of Social Security coverage for State employees, there is hereby allocated and appropriated to the Social Security Trust Fund, in accordance with this Act, from the several funds from which the employees benefited by this Act receive their respective salaries, a sum equal to the amount of the contribution to be paid by the State as provided in Sections 4 and 5 of this Act (tax which would be imposed by the Federal Insurance Contributions Act if the services of such employee constituted employment within the meaning of that Act) for (said) employees whose compensation is paid from funds in the State Treasury. The State Agency shall

certify to the State Comptroller of Public Accounts at the end of each month the total amount of the State's monthly contributions for employees whose salaries are paid from funds in the State Treasury. The State Comptroller, after ~~(upon)~~ receipt of the certification, ~~(such authorization)~~ shall pay the (said) amount to the State Treasurer as custodian of the Social Security Trust Fund. The State Treasurer shall deposit the amounts so received in the Social Security Trust Fund. ~~(Provided, however, that should the amount paid as the State's contribution vary from the net amount actually contributed by the employees during the fiscal year ending August 31st of each year the State Agency shall certify on or before October 1st of each year the amount of such difference by Fund and by Department to the State Comptroller who shall then make necessary adjusting entries.)~~

"(2) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Agency shall certify to the Governor for review and adoption the amount necessary to pay the contributions of the State of Texas for the ensuing biennium. This amount shall be included in the budget of the State which the Governor submits to the Legislature. The State Agency shall send a copy to the State Comptroller of Public Accounts of the certification to the Governor.

"(3) all moneys hereby allocated and appropriated by the State to the Social Security Trust Fund shall be paid to the Fund in monthly installments.

"(4) In those instances in which State employees are paid from funds not in the State Treasury, the department head at the end of each month shall certify to the proper disbursing officer the total amount of the State's contributions based upon compensation paid the (such) employees. The (and the) disbursing officer shall ~~(thereupon)~~ pay that amount to the State Treasurer as custodian of the Social Security Trust Fund. The State Treasurer shall deposit the (said) amounts in the Social Security Trust Fund. A copy of the department heads' certification in these instances shall be given to the State Agency at the same time the original is certified to the disbursing officer. These copies shall be on forms prescribed by the State Agency."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 936 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 936** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend Senate Bill No. 936 by adding the words "A BILL TO BE ENTITLED" above the words "AN ACT" on line 1 of page 1 of the house first printing.

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 1064 WITH HOUSE AMENDMENTS

Senator Mauzy called **S.B. 1064** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 1064**, line 11 by striking the language "1,300,000 but less than 1,700,000" and substituting therefor "1,200,000, but excluding any county with a city with more than 1,000,000 in population"

Committee Amendment No. 2

Amend **S.B. 1064** by striking the word "shall" on page 1, line 12 and substituting the word "may" in its place.

The amendments were read.

Senator Mauzy moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 429 WITH HOUSE AMENDMENT

Senator Mauzy called **S.B. 429** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 429** on line 8 of page 1 by striking the underlined words and substituting in lieu thereof the following:

"or, if a Texas resident, recruited"

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Harris.

SENATE BILL 1137 WITH HOUSE AMENDMENT

Senator Santiesteban called **S.B. 1137** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **S.B. 1137** by striking all of Section 1 and substituting the following:

Section 1. Subsections (C), (G), and (H), of Section 1, Chapter 397, Acts of the 54th Legislature, 1955, as amended (Article 3.70-1, Vernon's Texas Insurance Code), are amended to read as follows:

"(C) Scope of Act. This Act shall apply to and govern individual accident and sickness insurance policies delivered ~~issued~~, or issued for delivery, in the State of Texas by life, health and accident companies, mutual life insurance companies, mutual assessment life insurance companies, mutual insurance companies, local mutual aid associations, mutual or natural premium life or casualty insurance companies, general casualty companies, Lloyds, reciprocal or inter-insurance exchanges, nonprofit hospital, medical, or dental service corporations including but not limited to companies subject to Chapter 20 of this code, as amended, stipulated premium insurance companies, or any other insurer which by law is required to be licensed by the Board; provided, however, this Act shall not apply to any society, company or other insurer whose activities are by statute exempt from the control of the Board and which are entitled by statute to an exemption certificate from the Board in evidence of their exempt status, nor to fraternal benefit societies; nor to credit accident and sickness insurance policies written under Article 3.53 of this code, as amended; provided further, that this Act shall not be construed to enlarge the powers of any of the enumerated companies. Conversion policies issued pursuant to a contractual conversion privilege under a group accident and sickness insurance policy shall not be subject to Subsections (D) through (H) of this article.

"(G) Outline of Coverage.

"(1) In order to provide for full and fair disclosure in the sale of individual accident and sickness insurance policies, no such policy shall be delivered ~~issued~~, or issued for delivery, in the State of Texas unless: (i) in the case of a direct response insurance product, the outline of coverage described in Subsection (2) of this section accompanies the policy; (ii) in all other cases, the outline of coverage described in Subsection (2) of this section is delivered to the applicant at the time application is made and an acknowledgement of receipt or certificate of delivery of such outline is provided the insurer with the application. In the event the policy is issued on a basis other than that applied for, the outline of coverage properly describing the policy must accompany the policy when it is delivered and clearly state that it is not the policy for which application was made.

"(2) The Board shall prescribe the format and content of the outline of coverage required by Subsection (1) of this section. 'Format' means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

"(a) a statement identifying the applicable category or categories of coverage provided by the policy as prescribed in Section (F) of this article;

"(b) a description of the principal benefits and coverage provided in the policy;

"(c) a statement of the exceptions, reductions, and limitations contained in the policy;

"(d) a statement of the renewal provision including any reservation by the insurer of a right to change premiums;

"(e) a statement that the outline is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions;

"(f) a summary of such provisions required to be in the policy by Section 3, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3.70—3, Vernon's Texas Insurance Code), as the Board may determine to be necessary to carry out the purposes of this Act.

"(g) Any other statements, descriptions, or outlines that the Board may determine to be reasonably necessary to carry out the purposes of this Act.

"(H) Pre-existing Conditions. (1) Notwithstanding the provisions of Section 3(A)(2)(b), Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3.70—3, Vernon's Texas Insurance Code), if an insurer elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy must cover any loss occurring after 12 months from any pre-existing condition not specifically excluded from coverage by terms of the policy. (2) Notwithstanding the provisions of Section 3(A)(2)(b), Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3.70—3, Vernon's Texas Insurance Code), or of Paragraph (1) of this subsection, no individual policy of accident and sickness insurance delivered [~~issued~~] or issued for delivery in this state to a person age 65 or over may contain a provision excluding from coverage any loss due to a pre-existing condition, not specifically excluded from coverage by name or specific description in an exclusion endorsement or rider effective on the date of the loss, for a period in excess of six months from the effective date of coverage under the policy; provided, however, that if the Board finds that the public interest would be served thereby, it may authorize a policy provision excluding coverage for pre-existing conditions for a period in excess of six months but in no event shall such period exceed one year. (3) Except as so provided, a policy issued under the provisions of this section may not include wording that would permit a defense based on pre-existing conditions."

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Harris.

SENATE BILL 629 WITH HOUSE AMENDMENT

Senator Ogg called S.B. 629 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend S.B. 629, by deleting lines 16-18 and inserting in lieu thereof the following:

“must be approved by a majority vote of the residents of each district affected.”

The amendment was read.

Senator Ogg moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower, Doggett.

Absent: Harris.

SENATE BILL 1213 WITH HOUSE AMENDMENTS

Senator Jones of Taylor called **S.B. 1213** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 1213** on page 6, line 2, by striking the words “is entitled to” and substituting the word therefor “may”.

Committee Amendment No. 2

Amend **S.B. 1213** on page 7, line 3, by striking the word “shall” and substituting the word “may” in its place.

The amendments were read.

Senator Jones of Taylor moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 215 WITH HOUSE AMENDMENTS

Senator Brooks called **S.B. 215** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 215** by striking Section 33 and substituting in lieu thereof the following:

“Section 33. Powers of Attorney. A certificate of limited partnership or any other document required or permitted by this Act may be signed and sworn to by a

limited partner in person or through an attorney in fact, who may, but need not, be a member of the limited partnership. A general partner who is a corporation may act as an attorney in fact for purposes of this Act."

Committee Amendment No. 2

Amend S.B. No. 215 by striking Section 2A.

The amendments were read.

Senator Brooks moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

SENATE JOINT RESOLUTION 45 WITH HOUSE AMENDMENT

Senator Schwartz called **S.J.R. 45** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment No. 1

Amend S.J.R. No. 45 by deleting the term "1977" on line 16 of page 3 and substituting therefore the term "1978".

The amendment was read.

Senator Schwartz moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 81 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 81** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Substitute the following for **S.B. No. 81**:

A BILL TO BE ENTITLED

AN ACT

relating to institutions exempt from the Texas Proprietary School Act; amending Subsection (a) of Section 32.12, Texas Education Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (a), Section 32.12, Texas Education Code, as amended, is amended to read as follows:

“(a) The following schools or educational institutions are specifically exempt from the provisions of this chapter and are not within the definition of ‘proprietary school.’

“(1) a school or educational institution supported by taxation from either a local or State source;

“(2) nonprofit schools owned, controlled, operated, and conducted by bona fide religious, denominational, eleemosynary, or similar public institutions exempt from property taxation under the laws of this State, but such schools may choose to apply for a certificate of approval hereunder, and upon approval and issuance, shall be subject to the provisions of this chapter as determined by the administrator;

“(3) a school or training program which offers instruction of purely avocational or recreational subjects as determined by the administrator;

“(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

“(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

“(6) private colleges or universities which award a recognized baccalaureate, or higher degree, and which maintain and operate educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or State source;

“(7) a school which is otherwise regulated and approved under and pursuant to any other law of the State;

“(8) aviation schools or instructors approved by and under the supervision of the Federal Aviation Administration;

“(9) a school which offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, [or] bar examinations, or medical college admissions tests.”

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 750 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 750** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend Senate Bill No. 750 by adding on line 21 between the word "board," and "and" the following, "each member of the House appropriations committee,"

The amendment was read.

Senator Traeger moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 750** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Traeger, Lombardino, Kothmann, Longoria and Andujar.

SENATE BILL 1336 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1336, Relating to the boundaries of the Real-Edwards Conservation and Reclamation District; adding Section 1A to Chapter 341, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-233, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 1336 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1336** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 1332 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1332, Relating to the payment of jurors.

The bill was read second time and was passed to engrossment.

SENATE BILL 1332 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1332** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1262 ON SECOND READING

Senator Creighton asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1262, A bill to be entitled An Act relating to the exemption of leasing or licensing motion picture films from the taxes imposed by the Limited Sales, Excise, and Use Tax Act; amending Section (Z), Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up **H.B. 1262** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Haris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: McKnight, Mengden.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1262 ON THIRD READING

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1262** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: McKnight, Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: McKnight, Mengden.

HOUSE BILL 1688 ON THIRD READING

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration on its third reading and final passage:

H.B. 1688, A bill to be entitled An Act exempting wholesalers of liquor and wine from obtaining resale certificates on sales to retailers holding permits or licenses authorizing the sale of such beverages; amending Section (F), Article 20.021, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up **H.B. 1688** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Aikin, Clower, Mauzy, Sherman, Snelson.

Absent: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Hance, Mauzy, Snelson, Aikin and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 2228 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2228, A bill to be entitled An Act granting the power of eminent domain to the board of regents of The Texas A&M University System to acquire certain property for the Texas Forest Service; adding Section 88.1101 to the Texas Education Code, as amended.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Meier asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 2228 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2228** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Meier.

Absent: Creighton, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Meier and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 670 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

H.B. 670, A bill to be entitled An Act relating to contracts between the Texas Department of Corrections and governments of other states, the United States, or foreign countries for the sale of certain goods; amending Section 1(a), Chapter 86, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 9007, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Jones of Harris, Mauzy, Truan.

Absent: Creighton, McKnight.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Truan asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 670 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 670** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier,

Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Jones of Harris, Mauzy, Truan.

Absent: Creighton, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Jones of Harris, Mauzy, Truan.

Absent: McKnight.

HOUSE BILL 1517 ON SECOND READING

Senator Andujar moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1517, Authorizing grape growers to produce wine in dry areas.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan.

Nays: Adams, Aikin, Creighton, Mauzy, Sherman, Williams.

Absent: McKnight.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Creighton asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1517 ON THIRD READING

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1517** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan.

Nays: Adams, Aikin, Mauzy, Sherman, Williams.

Absent: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Adams, Mauzy, Creighton and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 971 ON SECOND READING

Senator Moore asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 971, A bill to be entitled An Act relating to increasing the minimum reimbursement percentage rate from the department of highways and public transportation to cities and counties for the acquisition of certain rights-of-way; amending Section 1, Chapter 301, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6673c-1, Vernon's Texas Civil Statutes).

There was objection.

Senator Moore then moved to suspend the regular order of business and take up **H.B. 971** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Jones of Harris.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 971 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 971** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE HOUSE BILL 1602 ON SECOND READING

Senator Clower asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1602, Relating to the rate-making authority of the Texas Water Rights Commission; amending Section 6.056, Water Code.

There was objection.

Senator Clower then moved to suspend the regular order of business and take up **C.S.H.B. 1602** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Longoria.

Absent: Andujar, Jones of Harris, Moore, Schwartz.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Longoria asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1602 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1602** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Longoria.

Absent: Andujar, Moore, Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar, Creighton, Longoria.

Absent: Moore, Schwartz.

(Senator Brooks in Chair)

HOUSE BILL 2183 ON SECOND READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2183, A bill to be entitled An Act relating to the delivery of policies of group life insurance to members of certain nonprofit service, civic, fraternal, and community organizations and associations; amending Chapter 3, Insurance Code, as amended, by adding a new Subsection (9).

The bill was read second time and was passed to third reading.

HOUSE BILL 2183 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2183** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: McKnight.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1177 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1177, A bill to be entitled An Act relating to groups that may be insured under certain group life insurance; amending Section 1, Article 3.50, Insurance Code, as amended.

The bill was read second time and was passed to third reading.

HOUSE BILL 1177 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1177** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Parker.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 436 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 436, A bill to be entitled An Act relating to the disposition of primary filing fees paid to the state chairman of a political party; amending Subsection (e), Section 186, Texas Election Code, as amended (Article 13.08, Vernon's Texas Election Code).

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Adams asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 436 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Adams, McKnight, Moore.

Absent: Truan.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Adams, McKnight, Moore.

Absent: Truan.

HOUSE BILL 1849 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1849, A bill to be entitled An Act amending Sections 5, 6, and 7 of Article 3.44a, Insurance Code of the State of Texas, as amended, providing for the calculation of adjusted premiums of insurance policies; providing for increased interest rates in nonforfeiture calculations; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1849 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1849** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Truan.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Hance.

Absent: Truan.

HOUSE BILL 1850 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1850, A bill to be entitled An Act relating to the amendment of Sections 4, 5, 6, 7, and 8, Article 3.28, Insurance Code of the State of Texas, as amended; providing standards for the valuation of the reserve liabilities for certain policies and contracts of insurance and annuity and pure endowment contracts; providing an effective date or, in the alternative, designation of effective date by insurance companies; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1850 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1850** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Truan.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1852 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1852, A bill to be entitled An Act amending Chapter Three, Insurance Code of the State of Texas, so as to add thereto a new Article 3.44b enacting the Standard Nonforfeiture Law for Individual Deferred Annuities, prescribing requirements for the computation of nonforfeiture benefits and cash surrender values for individual deferred annuities; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 1852 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1852** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Truan.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Hance asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1700 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 1700, A bill to be entitled An Act establishing the Texas Election Code Revision Commission to revise and recodify the Election Code and making an appropriation to finance the operations of the commission.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **H.B. 1700** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Aikin, Creighton, Doggett, Kothmann, McKnight, Moore, Patman.

Absent: Harris, Truan.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend **H.B. 1700** by striking and word "and" at the end of subdivision (7), striking the words "two citizens" in subdivision (8) of subsection (a) in Section 1 and substituting the words "one citizen" in lieu thereof, and adding the following new subdivisions (9) and (10):

"(9) a county chairman, chosen by the governor, of a political party whose candidate for governor polled the most statewide votes in the last gubernatorial election from a county with a population of less than 150,000 persons as measured by the last federal census;

(10) a county chairman, chosen by the governor, of a political party whose candidate for governor polled the second highest number of statewide votes in the last gubernatorial election from a county with a population of more than 800,000 as measured by the last federal census."

The amendment was read.

On motion of Senator Ogg the amendment was tabled by the following vote: Yeas 24, Nays 6.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Adams, Creighton, McKnight, Mengden, Patman, Snelson.

Absent: Harris.

The bill was passed to third reading.

RECORD OF VOTES

Senators Doggett and Patman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1700 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1700** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Doggett, Kothmann, McKnight, Moore, Patman.

Absent: Harris.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 617 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 617, A bill to be entitled An Act relating to proportionate service retirement benefits for members of the Texas County and District Retirement System, the Texas Municipal Retirement System, the Teacher Retirement System of Texas, the Employees Retirement System of Texas, and the Judicial Retirement System of Texas; amending Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6228i, Vernon's Texas Civil Statutes), by amending Section 1, Subsection (a) of Section 4, and Subsection (a) of Section 6, and by adding Sections 6A and 6B.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 617 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 617** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Harris.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1796 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1796, A bill to be entitled An Act relating to notices of certain meetings that are open to the public; amending Subsection (a), Section 3A, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend **H.B. 1796** Section 1(a), page 1, line 16, by striking the word void and substituting therefore the word voidable.

The amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

RECORD OF VOTES

Senators Braecklein, Mauzy and Hance asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1796 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1796** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Doggett, Mauzy.

Absent: Jones of Taylor.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Braecklein, Mauzy and Hance asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 890 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 890, A bill to be entitled An Act relating to military leave of absence and restoration of employment to veterans; amending Section 1, Chapter 469, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-4a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

(President in Chair)

HOUSE BILL 890 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 890** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Andujar.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 1168 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1168, A bill to be entitled An Act relating to the definition of "rural areas" in the Rural Industrial Development Act; amending Subsection (h), Section 2, Rural Industrial Development Act (Article 5190.2, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to third reading.

HOUSE BILL 1168 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1168** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL 2063 LAID ON TABLE SUBJECT TO CALL

On motion of Senator Moore and by unanimous consent, **H.B. 2063** was Laid on Table Subject to Call.

HOUSE BILL 1121 ON SECOND READING

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time:

H.B. 1121, A bill to be entitled An Act relating to the maximum weight of certain vehicles operated on public highways.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Sherman, Snelson, Williams.

Nays: Mauzy, Schwartz, Traeger, Truan.

Absent: Harris, Jones of Harris.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Question - Shall the bill be passed to third reading?

CONFERENCE COMMITTEE APPOINTMENT

On motion of Senator Traeger and by unanimous consent, he resigned from the Conference Committee on **S.B. 60**.

The President appointed Senator Lombardino to fill the vacancy.

RECESS

On motion of Senator Aikin the Senate at 1:20 o'clock p.m. took recess until 1:25 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:25 o'clock p.m. and was called to order by Senator Adams.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 1324 (Aikin) Relating to residence requirements for purposes of tuition fees at institutions of higher education. (31-0)(31-0)

S.C.R. 56 (Patman) Directing the State Treasurer to make a study. (vv)

S.C.R. 107 (Adams) Providing for placing transom glass from Senate on display in Daughters of Republic of Texas Museum on capitol grounds. (vv)

S.R. 703 (Patman) Directing the State Treasurer to make a study. (vv)

H.B. 42 (Mauzy) Relating to residence requirements for nomination, election, or appointment to elective precinct offices following a change in boundaries of county commissioners precincts or justice of the peace precincts. (31-0)(31-0)

H.B. 416 (Santiesteban) Relating to the time period within which a county or municipal bond election must be held after the election is called. (31-0)(31-0)

H.B. 580 (Sherman) Relating to legislative review of proposed rules of state agencies and fiscal notes for proposed rules. (31-0)(31-0)

H.B. 858 (Hance) Relating to an exemption from the franchise tax for certain persons manufacturing, selling, or installing solar energy devices. (31-0)(31-0)

H.B. 930 (Mauzy) Relating to release of a juror. (31-0)(31-0)

H.B. 942 (Sherman) Relating to the salary of the stenographer of the district attorney of the 69th Judicial District. (31-0)(31-0)

H.B. 1008 (Patman) Relating to the formation of county election precincts in certain cities. (31-0)(31-0)

H.B. 1187 (Mauzy) Relating to determination of heirship of ward who dies intestate and sale of property of ward under certain circumstances. (31-0)(31-0)

H.B. 1396 (Kothmann) Relating to peace officers' required probationary period and training before certification. (31-0)(31-0)

H.B. 1505 (Schwartz) Relating to construction and operation of county water system of Matagorda County. (31-0)(31-0)

H.B. 1679 (Brooks) Relating to changing the name of the Center for Human Resources at the University of Houston to the Institute of Labor and Industrial Relations and defining the objectives of the institute. (31-0)(31-0)

H.B. 1812 (Traeger) Relating to suits to enforce the collection of delinquent ad valorem taxes on homesteads of persons 65 years of age or older. (31-0)(31-0)

H.B. 1908 (Harris) Relating to the conduct of joint elections. (31-0)(31-0)

H.B. 2036 (McKnight) Relating to certain measures to enforce the payment of state and local sales taxes and the mixed beverage gross receipts tax by alcoholic beverage permittees and licensees. (31-0)(31-0)

H.B. 2162 (Santiesteban) Relating to fistic combat or wrestling matches after noon on Sundays. (30-1) Adams "Nay" (30-1) "Adams 'Nay'

H.B. 2173 (Jones of Taylor) Relating to the election of the board of directors of the Menard County Hospital District. (31-0)(31-0)

H.B. 2195 (Patman) Relating to County Court at Law of Victoria County. (31-0)(31-0)

H.B. 2215 (Sherman) Relating to the judge of the Court of Domestic Relations for Potter County. (31-0)(31-0)

H.B. 2216 (Parker) Relating to authorizing governing body of Port Arthur to regulate certain activities in certain areas of Sabine Lake. (31-0)(31-0)

H.C.R. 116 (Harris) Commending former Representative Richard Reynolds. (vv)

H.C.R. 127 (Adams, Mauzy, Sherman) Commending the Kiwanis International. (vv)

H.C.R. 130 (Brooks) Congratulating Texas Southern University. (vv)

H.C.R. 132 (Truan) Granting Charles Orr permission to sue the State of Texas. (vv)

H.C.R. 133 (Truan) Granting Horace Caldwell Cattle Co. permission to sue the State of Texas. (vv)

H.C.R. 134 (Truan) Granting William Riddick permission to sue the State of Texas. (vv)

H.C.R. 142 (Doggett) Granting Congress Square Ltd. permission to sue the State of Texas. (vv)

H.C.R. 144 (Truan) Granting Fred Reyna permission to sue the State of Texas. (vv)

H.C.R. 160 (Doggett) Granting Harvey Lane permission to sue the State of Texas. (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed. (Amendment printed following bill number and caption, as well as the vote on the suspension of the Constitutional Three-Day Rule and final passage.)

S.C.R. 97 (Santiesteban) Providing for a permanent place for a plaque. (vv)

Senator Santiesteban offered the following committee amendment to the resolution:

On Line 20 omit the following:

"the rotunda of"

The committee amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

H.B. 2134 (Sherman) Relating to the creation of the County Court at Law of Randall County. (31-0)(31-0)

Senator Sherman offered the following committee amendment to the bill:

Amend H. B. No. 2134 by renumbering Section 14 as Section 15 and adding a new Section 14 to read as follows:

Section 14. Subsection (b), Section 1, Chapter 274, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1970-355, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The county court at law has the same jurisdiction over all causes and proceedings, civil, criminal, and probate, original and appellate, ~~[including eminent domain proceedings,]~~ prescribed by law for county courts, and its jurisdiction is concurrent with that of the County Court of Angelina County. The county court at law also has jurisdiction concurrent with the district court in eminent domain cases as provided by general law and in civil cases when the matter in controversy exceeds \$500 and does not exceed \$10,000, exclusive of interest."

The committee amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following bills were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
H.B. 506	Doggett, Schwartz, Mauzy
H.B. 2182	Doggett, Schwartz, Mauzy

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the session for the consideration of Local and Uncontested Bills Calendar was concluded.

MEMORIAL RESOLUTIONS

S.R. 750 - by Snelson: Memorial resolution for Judge M. C. Blackburn.

S.R. 751 - by Snelson: Memorial resolution for Mrs. Hugh S. White.

S.R. 752 - by Snelson: Memorial resolution for Mrs. Virginia Johnson.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 742 - by Lombardino: Extending congratulations to John McCue.

S.R. 743 - by McKnight: Extending congratulations to the Broken Spoke and its proprietors, Joe Baland and James White.

S.R. 745 - by Clower: Extending welcome to Reverend John Ogden.

S.R. 746 - by Harris: Extending congratulations to Dr. Joseph Jones Pearce.

S.R. 747 - by Doggett: Extending congratulations to Dr. Arthur H. Mochlman.

S.R. 748 - by Jones of Harris: Extending congratulations to American Legion Post 594.

S.R. 753 - by Clower: Extending welcome to Reverend John Ogden.

S.R. 754 - by Clower: Extending congratulations to David Ogden.

S.R. 755 - by Clower: Extending congratulations to Daniel Read Richards.

S.R. 757 - by Aikin: Extending welcome to Mrs. Houston Odom and Miss Lucille Mathis.

ADJOURNMENT

On motion of Senator Aikin the Senate at 1:50 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(May 25, 1977)

S.B. 47	S.B. 605	S.B. 918
S.B. 119	S.B. 631	S.B. 930
S.B. 209	S.B. 658	S.B. 1040
S.B. 271	S.B. 661	S.B. 1057
S.B. 310	S.B. 690	S.B. 1148
S.B. 412	S.B. 707	S.B. 1152
S.B. 438	S.B. 791	S.B. 1231
S.B. 450	S.B. 792	S.B. 1232
S.B. 481	S.B. 836	S.B. 1283
S.B. 545	S.B. 851	S.B. 1286
S.B. 549	S.B. 858	S.B. 1294
S.B. 579	S.B. 917	S.B. 1297
S.C.R. 105		

Sent to Comptroller

(May 25, 1977)

S.B. 850

SEVENTY-SIXTH DAY (Thursday, May 26, 1977)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.